

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

\* \* \*

HOBART CORPORATION,

et al.,

Plaintiffs,

CASE NO. 3:13-cv-115

vs.

VOLUME I

THE DAYTON POWER AND LIGHT

COMPANY, et al.,

Defendants.

\* \* \*

Deposition of EDWARD GRILLOT, Witness  
herein, called by the Plaintiffs for direct  
examination pursuant to the Rules of Civil  
Procedure, taken before me, Barbara A. Nikolai, a  
Notary Public in and for the State of Ohio, at  
Sebaly, Shillito + Dyer, 1900 Kettering Tower,  
40 North Main Street, 13th Floor Conference Room,  
Dayton, Ohio, on Monday, December 16th, 2013, at  
9:22 o'clock a.m.

\* \* \*

	EXAMINATIONS CONDUCTED	PAGE
1		
2	BY MR. ROMINE:	13
3	BY MR. HAUGHEY:	143
4	BY MR. SLAUGHTER:	245
5	BY MR. VAN KLEY:	248
6	BY MR. ROMINE:	284
7	BY MR. VAN KLEY:	285
8	EXHIBIT MARKED	
9	(Thereupon, Defendants' Exhibit	224
10	Number 1, map of various landfills,	
11	was marked for purposes of	
12	identification.)	
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

## 1 APPEARANCES:

2 On behalf of the Plaintiffs:

3 Langsam Stevens Silver &amp; Hollaender LLP

4 By: David E. Romine

and

5 Jennifer Graham Meyer

Attorneys at Law

6 1818 Market Street

Suite 3400

7 Philadelphia, Pennsylvania 19103

(215) 732-3255 (Office)

8 (215) 732-3260 (Fax)

dromine@lssh-law.com

9 jmeyer@lssh-law.com

10 On behalf of the Defendant The Dayton Light  
11 and Power Company:

12 Bricker &amp; Eckler

13 By: Anthony M. Sharett

Attorney at Law

14 100 South Third Street

Columbus, Ohio 43215-4291

15 (614) 227-2300 (Office)

(614) 227-2390 (Fax)

asharett@bricker.com

16 On behalf of the Defendant Waste Management  
17 of Ohio, Inc.:

18 Quarles &amp; Brady

19 By: William H. Harbeck

Attorney at Law

20 411 East Wisconsin Avenue

Milwaukee, Wisconsin 53202-4497

21 (414) 277-5000 (Office)

(414) 271-3552 (Fax)

22 william.harbeck@quarles.com

23

24

25

1 On behalf of the Defendant Bridgestone  
2 Americas Tire Operations, LLC:

3 Wactor & Wick LLP

4 By: William D. Wick (Via Telephone)  
5 Attorney at Law  
6 180 Grand Avenue  
7 Suite 950  
Oakland, California 94612  
(510) 465-5750 (Office)  
(510) 465-5697 (Fax)  
bwick@envlaw.com

8 On behalf of the Defendant ConAgra Grocery  
9 Products Company:

10 McGrath North

11 By: John A. Andreasen  
12 Attorney at Law  
13 First National Tower  
14 Suite 3700  
15 1601 Dodge Street  
Omaha, Nebraska 68102  
(402) 341-3070 (Office)  
(402) 341-0216 (Fax)  
jandreasen@mcgrathnorth.com

16 On behalf of the Defendant Dayton Board of  
17 Education:

18 Subashi & Wildermuth

19 By: Andrew E. Rudloff  
20 Attorney at Law  
21 The Green Town Center  
22 50 Chestnut Street, Suite 230  
23 Dayton, Ohio 45440  
24 (937) 427-8800 (Office)  
25 (937) 427-8816 (Fax)  
arudloff@swohiolaw.com

1 On behalf of the Defendant Cox Media Group  
2 Ohio:

3 Faruki Ireland & Cox P.L.L.

4 By: Erin E. Rhinehart  
5 Attorney at Law  
6 500 Courthouse Plaza, S.W.  
7 10 North Ludlow Street  
8 Dayton, Ohio 45402-1818  
9 (937) 227-3714 (Office)  
10 (937) 227-3717 (Fax)  
11 erhinehart@ficlaw.com

12 On behalf of the Defendant City of Dayton,  
13 Ohio:

14 By: John C. Musto  
15 Assistant City Attorney  
16 101 West Third Street  
17 Dayton, Ohio 45402  
18 (937) 333-4100 (Office)  
19 (937) 333-3628 (Fax)  
20 john.musto@cityofdayton.org

21 On behalf of the Defendants Fickert Devco  
22 and Dayton Industrial Drum:

23 Coolidge Wall

24 By: David P. Pierce  
25 and  
Shannon L. Costello  
Attorneys at Law  
Suite 600  
33 West First Street  
Dayton, Ohio 45402  
(937) 223-8177 (Office)  
(937) 223-6705 (Fax)  
pierce@collaw.com  
costello@coollaw.com

1 On behalf of the Defendants Cargill,  
2 Incorporated, Newmark LLC, and Hewitt  
Soap Works, Inc.:

3 Van Kley & Walker, LLC

4 By: Jack A. Van Kley (Via Telephone)  
Attorney at Law  
5 132 Northwoods Boulevard  
Suite C-1  
6 Columbus, Ohio 43235  
(614) 431-8900 (Office)  
7 (614) 431-8905 (Fax)  
jvankley@vankleywalker.com  
8

9 On behalf of the Defendant Peerless  
Transportation Company:

10 Rendigs, Fry, Kiely & Dennis, LLP

11 By: Jonathan P. Saxton  
and  
12 W. Jonathan Sweeten  
Attorneys at Law  
13 600 Vine Street  
Suite 2650  
14 Cincinnati, Ohio 45202  
(513) 381-9288 (Office)  
15 JPS@Rendigs.com

16 On behalf of the Defendant PPG Industries,  
17 Inc.:

18 Dickie, McCamey & Chilcote, P.C.

19 By: Peter T. Stinson  
Attorney at Law  
20 Two PPG Place  
Suite 400  
Pittsburgh, Pennsylvania 15222-5402  
21 (412) 281-7272 (Office)  
(412) 392-5367  
22 pstinson@dmclaw.com  
23  
24  
25

1 On behalf of the Defendant The Reynolds and  
2 Reynolds Company:

3 Bingham McCutchen LLP

4 By: Duke K. McCall, III  
5 Attorney at Law  
6 2020 K Street, NW  
7 Washington, D.C. 20006-1806  
(202) 373-6607 (Office)  
(202) 373-6443 (Fax)  
duke.mccall@bingham.com

8 On behalf of the Defendant La Mirada Products:

9 Taft Stettinius & Hollister LLP

10 By: James M. (Jay) Dickerson, Jr.  
11 Attorney at Law  
12 425 Walnut Street  
13 Suite 1800  
Cincinnati, Ohio 45202-3957  
(513) 381-2838 (Office)  
(513) 381-0205 (Fax)  
jdickerson@taftlaw.com

14 On behalf of the Defendant Ohio Bell:

15 Beveridge & Diamond, PC

16 By: James B. Slaughter  
17 Attorney at Law  
18 1350 I Street, NW  
19 Suite 700  
20 Washington, D.C. 20005-3311  
(202) 789-6000 (Office)  
(202) 789-6190 (Fax)  
jslaughter@bdlaw.com

1 On behalf of the Defendants Flowserve  
2 Corporation, University of Dayton and  
Standard Register:

3 Frost Brown Todd LLC

4 By: Stephen N. Haughey  
Attorney at Law  
5 3300 Great American Tower  
301 East Fourth Street  
6 Cincinnati, Ohio 45202  
(513) 651-6800 (Office)  
7 (513) 651-6981 (Fax)  
shaughey@fbtlaw.com

8  
9 On behalf of the Defendant Flowserve  
Corporation:

10 By: Robert L. Roberts  
Attorney at Law  
11 5215 N. O'Connor Boulevard  
Suite 2300  
12 Irving, Texas 75039  
(972) 443-6537 (Office)

13  
14 On behalf of the Defendant L.M. Berry and  
Company LLC:

15 Benesch, Friedlander, Coplan, Aronoff, LLP

16 By: Orla E.(Chip) Collier  
Attorney at Law  
17 41 South High Street  
Suite 2600  
18 Columbus, Ohio 43215-6164  
(614) 223-9300 (Office)  
19 (614) 223-9330 (Fax)  
ocollier@beneschlaw.com



1 On behalf of the Defendant The Sherwin-Williams  
2 Company:

3 Gallagher Sharp

4 By: Robert H. Eddy  
5 Attorney at Law  
6 420 Madison Avenue  
7 Suite 1250  
8 Toledo, Ohio 43604  
9 (419) 241-4860 (Office)  
10 (419) 241-4866 (Fax)  
11 reddy@gallaghersharp.com  
12 thall@gallaghersharp.com

13 On behalf of the Defendant PepsiCo:

14 Morgan Lewis Bockius

15 By: Steven Luxton (Via Telephone)  
16 Attorney at Law  
17 1111 Pennsylvania Avenue, NW  
18 Washington, D.C. 20004  
19 stevenaluxton@icloud.com

20 On behalf of the Defendant DAP Products Inc.:

21 Calfee, Halter & Griswold LLP

22 By: William E. Coughlin  
23 Attorney at Law  
24 The Calfee Building  
25 1405 East Sixth Street  
Cleveland, Ohio 44114-1607  
(216) 622-8334 (Office)  
(216) 622-258-1418 (Cell)  
wcoughlin@calfee.com

1 On behalf of the Defendant Kimberly-Clark  
2 Corporation:

3 Foley & Lardner LLP

4 By: Sarah A. Slack  
5 Attorney at Law  
6 150 East Gilman Street  
7 Madison, Wisconsin 53703-1481  
8 (608) 258-4239 (Office)  
9 (608) 258-4258 (Fax)  
10 SSlack@foley.com

11 On behalf of the Defendant Valley Asphalt  
12 Corporation:

13 Tucker Ellis LLP

14 By: Martin H. Lewis (Via Telephone)  
15 Attorney at Law  
16 950 Main Avenue  
17 Suite 1100  
18 Cleveland, Ohio 44113-7213  
19 (216) 696-5657 (Direct)  
20 (216) 592-5009 (Fax)  
21 martin.lewis@tuckerellis.com

22 On behalf of the Defendant GlaxoSmithKline LLC:

23 Ballard Spahr LLP

24 By: Glenn A. Harris (Via Telephone)  
25 Attorney at Law  
210 Lake Drive East  
Suite 200  
Cherry Hill, New Jersey 08002-1163  
(856) 761-3440 (Office)  
(856) 761-1020 (Fax)  
harrisg@ballardspahr.com

1 On behalf of the Defendant Day International,  
2 Inc.:

3 McDonald Hopkins LLC

4 By: Jerome W. Cook (Via Telephone)  
5 Attorney at Law  
6 600 Superior Avenue, East  
7 Suite 2100  
8 Cleveland, Ohio 44114  
(216) 348-6400 (Office)  
(216) 348-5474 (Fax)  
jcook@mcdonaldhopkins.com

9 On behalf of the Defendant Pharmacia LLC:

10 Krieg Devault LLP

11 By: Vicki J. Wright (Via Telephone)  
12 Attorney at Law  
13 One Indiana Square  
14 Suite 2800  
Indianapolis, Indiana 46204-2079  
(317) 238-6263 (Office)  
(317) 636-1507 (Fax)  
vwright@kdlegal.com

15 \* \* \*

09:21:50 1 MR. ROMINE: Good morning, Mr.

09:21:53 2 Grilloot.

09:21:53 3 MR. GRILLOT: How are you?

09:21:55 4 MR. ROMINE: My name is David Romine,  
09:21:56 5 and I represent three companies, NCR Corporation,  
09:22:02 6 Hobart Corporation and Kelsey-Hayes Company in a  
09:22:04 7 lawsuit.

09:22:06 8 We're here to ask you some questions  
09:22:08 9 about a place called the South Dayton Dump, and  
09:22:13 10 what I'm going to do now is go around the room.  
09:22:16 11 We have a room full of lawyers here.

09:22:18 12 We're going to go around the room and  
09:22:20 13 ask the lawyers to identify themselves and who  
09:22:24 14 they represent.

09:22:26 15 We also have some lawyers on the  
09:22:28 16 telephone speaker phone. When we're done here in  
09:22:31 17 the room, we're going to ask the lawyers on the  
09:22:33 18 speaker phone to identify themselves so that we  
09:22:36 19 all know who's participating.

09:22:39 20 MR. GRILLOT: Okay.

09:22:39 21 EDWARD GRILLOT  
09:22:39 22 of lawful age, Witness herein, having been first  
23 duly cautioned and sworn, as hereinafter  
24 certified, was examined and said as follows:

25 DIRECT EXAMINATION

09:22:48 1 BY MR. ROMINE:

09:22:48 2 Q. So, again, I'm David Romine  
09:22:50 3 representing the plaintiffs.

09:22:52 4 MS. MEYER: I'm Jennifer Meyer  
09:22:53 5 representing plaintiffs.

09:22:55 6 MR. DICKERSON: Jay Dickerson  
09:22:55 7 representing La Mirada Products.

09:22:59 8 MR. HAUGHEY: Steve Haughey  
09:22:59 9 representing Flowserve Corporation, University of  
09:23:02 10 Dayton, and Standard Register.

09:23:05 11 MR. ROBERTS: Rob Roberts, in-house  
09:23:07 12 counsel with Flowserve Corporation.

09:23:08 13 MR. SHARETT: Anthony Sharett with  
09:23:10 14 Bricker and Eckler representing Dayton Power and  
09:23:11 15 Light.

09:23:12 16 MS. SLACK: Sarah Slack. I'm with  
09:23:14 17 Foley and Lardner and I represent Kimberly-Clark  
09:23:21 18 Corporation.

09:23:21 19 MR. ANDREASEN: John Andreasen,  
09:23:23 20 McCrath North law firm representing ConAgra  
09:23:27 21 Grocery Products Company.

09:23:28 22 MR. STINSON: Peter Stinson  
09:23:28 23 representing PPG Industries, Inc.

09:23:28 24 MR. RUDLOFF: Andrew Rudloff with  
09:23:33 25 Subashi and Wildermuth representing the Dayton

09:23:35 1 Board of Education.

09:23:35 2 MR. HARBECK: Bill Harbeck  
09:23:38 3 representing Waste Management of Ohio.

09:23:39 4 MR. SLAUGHTER: Jimmy Slaughter,  
09:23:40 5 Beveridge and Diamond, representing Ohio Bell.

09:23:43 6 MR. MCCALL: Duke McCall representing  
09:23:44 7 Reynolds and Reynolds.

09:23:46 8 MR. MUSTO: John Musto representing  
09:23:47 9 the City of Dayton, Ohio.

09:23:47 10 MR. COUGHLIN: Good morning. I'm  
09:23:51 11 Bill Coughlin. I represent DAP Products Inc., no  
09:23:54 12 comma.

09:23:56 13 MS. RHINEHART: Erin Rhinehart. I  
09:23:57 14 represent Cox Media Group, Ohio.

09:23:59 15 MR. PIERCE: David Pierce at Coolidge  
09:24:01 16 Wall. I represent Fickert, Devco and Dayton  
09:24:04 17 Industrial Drum.

09:24:07 18 MR. COLLIER: Orla Collier with the  
09:24:07 19 law firm of Benesch, Friedlander, Coplan and  
09:24:09 20 Aronoff. I represent L.M. Berry Company.

09:24:12 21 MR. SAXTON: John Saxton. I  
09:24:13 22 represent Peerless.

09:24:17 23 MR. ROMINE: And people on the  
09:24:20 24 telephone.

09:24:20 25 MS. WRIGHT: Vicki Wright, Krieg

09:24:27 1 Devault for Pharmacia, LLC.

09:24:27 2 MR. COOK: Jerome Cook, McDonald  
09:24:32 3 Hopkins, Day International.

09:24:35 4 MR. WICK: Bill Wick, Wactor & Wick,  
09:24:37 5 for Bridgestone Americas Tire Operations, LLC.

09:24:44 6 MR. VAN KLEY: Jack Van Kley  
09:24:45 7 representing Cargill, Hewitt Soap Works and  
09:25:05 8 Newmark. Sorry.

09:25:05 9 MR. HARRIS: Glenn Harris, Ballard  
09:25:10 10 Spahr, representing GlaxoSmithKline.

09:25:10 11 MR. LUXTON: Steve Luxton for  
09:25:10 12 PepsiCo.

09:25:40 13 MR. ROMINE: Anyone else on the  
09:25:40 14 phone? Could you go off the record for a moment?

09:26:00 15 THE COURT REPORTER: Sure.

09:26:00 16 (Thereupon, an off-the-record  
09:26:05 17 discussion was had.)

09:26:05 18 BY MR. ROMINE:

09:26:07 19 Q. Good morning, Mr. Grillot.

09:26:08 20 A. Good morning.

09:26:09 21 Q. Do you remember last year when you  
09:26:12 22 came to Dayton and Larry Silver asked you  
09:26:15 23 questions about the South Dayton Dump?

09:26:18 24 A. Um-hum.

09:26:18 25 Q. Yes?

09:26:19 1 A. Yes, I do. I'm sorry.

09:26:19 2 Q. Okay. So the format is going to  
09:26:21 3 be pretty much the same. I'm going to ask you  
09:26:24 4 questions and you will answer those questions.

09:26:27 5 The court reporter is taking down  
09:26:29 6 what you say, so it's important to say yes or  
09:26:32 7 no, rather than um-hum or uh-huh, and we're  
09:26:36 8 going to take turns again.

09:26:37 9 So even if you know what I'm going  
09:26:40 10 to ask you, wait until I'm done asking you --  
09:26:43 11 asking the questions before you answer, and  
09:26:45 12 then I'll wait for you to complete your answer  
09:26:48 13 before asking you the next question, at least  
09:26:51 14 I'll try. We have --

09:26:53 15 A. I was going to say, I -- I have a  
09:26:55 16 real hard time hearing sometime, so, you  
09:26:57 17 know --

09:26:58 18 Q. Gotcha.

09:26:58 19 A. -- the one ear over here, so --

09:27:00 20 Q. Okay. I'll speak up then.

09:27:01 21 A. No, you -- you were doing good. I  
09:27:03 22 don't know if I can hear the other people,  
09:27:05 23 so --

09:27:05 24 Q. Okay. All right. Well, that's --  
09:27:06 25 then now everybody knows to speak up.



09:27:08 1 A. Okay.

09:27:09 2 Q. Yeah. And it's okay to ask for  
09:27:14 3 breaks. You want a bathroom break, water  
09:27:14 4 break, that's fine. It's not an endurance  
09:27:15 5 test.

09:27:15 6 A. Okay.

09:27:16 7 Q. So just to sort of put on the  
09:27:21 8 record that you're the same person, what is  
09:27:23 9 your date of birth?

09:27:24 10 A. 11-9-52.

09:27:26 11 Q. Okay. And what I'm going to do is  
09:27:29 12 I'm going to show you something that was marked  
09:27:31 13 as Exhibit 2 last time with Mr. Silver, and ask  
09:27:37 14 you to take a look at it for a minute.

09:27:41 15 And we'll pass this around, but  
09:27:44 16 for right now, I want you to just take a look  
09:27:47 17 at it and see if you remember it from last  
09:27:47 18 time.

09:27:49 19 A. Yes, I do.

09:27:49 20 Q. Okay. And what is it showing  
09:27:51 21 there? What is Exhibit 2 showing?

09:27:53 22 A. The location of the South Dayton  
09:27:57 23 Dump.

09:27:57 24 Q. And do you see some writing on  
09:27:59 25 there?

09:27:59 1 A. Yes.

09:28:00 2 Q. And do you recognize that writing  
09:28:02 3 from when you were here last year with Mr.  
09:28:05 4 Silver?

09:28:05 5 A. Yeah, um-hum.

09:28:06 6 Q. Okay. And does it show the --  
09:28:09 7 does it show the entrances to the dump over  
09:28:12 8 time and other features of the South Dayton  
09:28:14 9 Dump?

09:28:14 10 A. Yes, it does.

09:28:15 11 Q. Okay. And do you remember that  
09:28:17 12 from last time?

09:28:17 13 A. Yes.

09:28:18 14 Q. Great. All right. We're going to  
09:28:20 15 go ahead and -- and just pass this around. We  
09:28:23 16 may ask -- I may ask questions about this, I  
09:28:25 17 may not, we'll see how it goes.

09:28:29 18 The other lawyers may ask  
09:28:30 19 questions about it. They'll have that  
09:28:32 20 opportunity if they want to.

09:28:33 21 A. Okay.

09:28:33 22 Q. One thing I wanted to ask you  
09:28:43 23 about is, how has your health been over the  
09:28:49 24 last couple months?

09:28:50 25 A. Not too good.

09:28:51 1 Q. Could you explain that?

09:28:54 2 A. For the past couple years, I've  
09:28:57 3 been having a hard time breathing and it's very  
09:29:03 4 uncomfortable to do things, and so a couple  
09:29:05 5 times I felt suffocating, so I went to the ER,  
09:29:10 6 and make a long story short, I got  
09:29:13 7 pancreatitis, and so I'm trying to level it  
09:29:17 8 out, and with medication, it seems to be  
09:29:21 9 helping, but I still have my good days and bad  
09:29:24 10 days, so --

09:29:25 11 Q. I understand. So you're taking  
09:29:27 12 medication now for your pancreatitis?

09:29:30 13 A. Yes.

09:29:30 14 Q. And you're going to have to take  
09:29:35 15 this medication basically for the long-term  
09:29:37 16 then, I take it?

09:29:38 17 A. I still need tests, but because of  
09:29:41 18 not having insurance, proper health insurance,  
09:29:46 19 then I got to wait for a while, so --

09:29:48 20 Q. Okay. All right. I'm not going  
09:29:54 21 to go over and repeat what Mr. Silver asked you  
09:30:00 22 about your background, you know, growing up and  
09:30:03 23 school and jobs and all that, by I am going to  
09:30:06 24 ask --

09:30:06 25 A. Silver -- I'm sorry, Mr. Silver?

09:30:08 1 Q. Yeah, what he had asked you.

09:30:10 2 A. Is that Larry?

09:30:10 3 Q. Yeah, right.

09:30:11 4 A. Okay.

09:30:11 5 Q. So I'm not going to repeat that,  
09:30:13 6 but I am going to ask you some questions about  
09:30:16 7 some companies that he may have asked you  
09:30:19 8 about.

09:30:19 9 A. Okay.

09:30:20 10 Q. And the first one I'm going to ask  
09:30:22 11 you about is -- is A.E. Fickert and Son. Does  
09:30:28 12 that -- do you recognize that name?

09:30:30 13 A. Oh, yeah.

09:30:30 14 Q. Okay. Was A.E. Fickert and Son a  
09:30:34 15 customer of the South Dayton Dump?

09:30:35 16 A. Yes.

09:30:36 17 Q. And what kind of waste did A.E.  
09:30:42 18 Fickert and Son bring to the dump?

09:30:43 19 A. Mostly construction debris, two by  
09:30:49 20 fours, drywall, empty buckets and stuff like  
09:30:53 21 that.

09:30:53 22 Q. Okay. When you say empty buckets,  
09:30:55 23 what had been in the buckets?

09:30:58 24 A. Mostly like paint, drywall,  
09:31:04 25 different types of cans, like turpentine, paint

09:31:12 1 thinner and stuff like that.

09:31:14 2 Q. Okay. Anything else that you  
09:31:18 3 remember?

09:31:18 4 A. Yeah, I got a job from them. I  
09:31:21 5 started -- I asked questions of the guy that  
09:31:25 6 drove the truck and he told me to go down and  
09:31:27 7 talk to them and they hired me a few years  
09:31:30 8 later, so --

09:31:30 9 Q. So you did some work for A.E.  
09:31:33 10 Fickert?

09:31:33 11 A. Um-hum.

09:31:34 12 Q. Now, the waste that came from  
09:31:37 13 A.E. Fickert, did they have their own trucks or  
09:31:40 14 did someone else haul their waste for them?

09:31:42 15 A. They had their own trucks.

09:31:44 16 Q. They had their own trucks. And  
09:31:46 17 what did they look like?

09:31:47 18 A. Most of them were red pickup  
09:31:51 19 trucks. They had utility beds on them and then  
09:31:54 20 the writing -- they had ladder racks and then  
09:31:56 21 the writing on the door, and then on the  
09:32:00 22 toolboxes it said A.E. Fickert and Son.

09:32:02 23 Q. Okay. And how old were you when  
09:32:07 24 you first remember seeing these A.E. Fickert  
09:32:11 25 and Son trucks bring waste to the site -- or to

09:32:14 1 the dump, excuse me?

09:32:16 2 A. I think maybe 15, something like  
09:32:18 3 that.

09:32:18 4 Q. And did they bring waste to the  
09:32:27 5 site like as long as the dump was open?

09:32:29 6 A. Oh, yeah.

09:32:30 7 Q. Do you remember any of the  
09:32:33 8 driver's names for A.E. Fickert?

09:32:37 9 A. No. Well, I worked with several  
09:32:44 10 later on, but I don't remember their faces  
09:32:48 11 and -- and their real names, so --

09:32:50 12 Q. That's fine. Just asking you what  
09:32:53 13 you remember.

09:32:54 14 A. Okay.

09:32:54 15 Q. Yeah. And how often did the A.E.  
09:32:58 16 Fickert trucks come to the site?

09:33:01 17 A. It depended. Sometime once a day.  
09:33:06 18 Sometimes twice, you know, and then sometimes  
09:33:08 19 they wouldn't show up at all for a few days,  
09:33:11 20 so --

09:33:12 21 Q. Okay. Did they ever bring waste  
09:33:21 22 to the dump in a truck other than a pickup  
09:33:29 23 truck?

09:33:29 24 A. I think they might have had a  
09:33:31 25 flatbed, but I'm not a hundred percent sure,

09:33:34 1 so --

09:33:35 2 Q. No problem. Again, just asking  
09:33:37 3 what you remember.

09:33:37 4 A. Okay.

09:33:38 5 Q. All right. I'm going to move on  
09:33:41 6 now to a different company.

09:33:42 7 A. Okay.

09:33:42 8 Q. Blaylock Trucking and Waste. Are  
09:33:47 9 you familiar with a company called either  
09:33:50 10 Blaylock Trucking and Waste or Blaylock  
09:33:53 11 Trucking and Waste Removal?

09:33:53 12 A. Baylock (sic).

09:33:54 13 Q. Baylock?

09:33:54 14 A. Um-hum.

09:33:54 15 Q. Okay. And was Baylock a customer  
09:33:57 16 of the dump?

09:33:57 17 A. Yes.

09:33:58 18 Q. Okay. And what kind of waste did  
09:34:01 19 Baylock bring to South Dayton Dump?

09:34:08 20 A. I don't remember.

09:34:09 21 Q. Okay. Did they have their own  
09:34:11 22 trucks?

09:34:19 23 A. I don't remember lettering, but --  
09:34:24 24 on the truck, but somehow I do -- you know, I  
09:34:26 25 know the name like I do my own, so I -- you

09:34:28 1 know, I -- right now I can't remember.

09:34:30 2 Q. That's okay. But you remember  
09:34:33 3 Baylock trucks coming to the site?

09:34:34 4 A. Oh, yeah.

09:34:36 5 Q. Okay. Or to the dump. And who  
09:34:38 6 were their customers?

09:34:42 7 A. That, I'm not sure.

09:34:43 8 Q. Okay.

09:34:45 9 MR. HARBECK: I'm sorry. I couldn't  
09:34:46 10 hear what he said.

09:34:48 11 THE WITNESS: I said I wasn't sure.

09:34:48 12 MR. HARBECK: Thank you.

09:34:57 13 BY MR. ROMINE:

09:34:57 14 Q. Do you remember any of the  
09:34:58 15 drivers' names for Baylock?

09:35:01 16 A. No.

09:35:02 17 Q. Okay. Did Baylock have their own  
09:35:07 18 site somewhere in Dayton?

09:35:10 19 A. Well, I'm -- I'm -- I'm having a  
09:35:14 20 time because, I think that Container Service --  
09:35:20 21 and I'm thinking it wasn't Waste Management,  
09:35:28 22 but Container Service and another -- Container  
09:35:31 23 Service, that's how I think I remember the name  
09:35:34 24 Baylock.

09:35:34 25 Q. So Baylock and Container Service



09:35:37 1 were related companies in your --

09:35:39 2 A. I believe so.

09:35:39 3 Q. Okay. And going back to an  
09:35:42 4 earlier question, did Container Service and/or  
09:35:47 5 Baylock have a -- their own dump somewhere in  
09:35:49 6 the Dayton area?

09:35:50 7 A. Not till later on.

09:35:51 8 Q. Okay.

09:35:53 9 A. And they purchased a landfill up  
09:35:55 10 north called, oh, Powell Road Landfill.

09:36:02 11 Q. Powell Road?

09:36:03 12 A. Yes.

09:36:04 13 Q. Okay. And have you been to Powell  
09:36:04 14 Road?

09:36:09 15 A. I worked out there for about two  
09:36:12 16 years.

09:36:12 17 Q. Okay. And tell me a little bit  
09:36:15 18 about the Powell Road Landfill. What was that  
09:36:20 19 like? What kind of dump was it?

09:36:22 20 A. It was more garbage. Waste from  
09:36:29 21 sewage plants. Just regular garbage really,  
09:36:36 22 and they came mostly in, what we called the big  
09:36:39 23 containers, 44 yards and -- and bigger, and  
09:36:42 24 then it slid out the back of the truck.

09:36:45 25 Q. Okay. Was it a -- was it a roll

09:36:47 1 off or is that something different?

09:36:49 2 A. It's called -- yeah, it's a roll  
09:36:51 3 off.

09:36:51 4 Q. Okay. And so if -- if Baylock or  
09:36:59 5 Container Service had their own dump at Powell  
09:37:03 6 Road, why did they bring anything to the South  
09:37:03 7 Dayton Dump?

09:37:07 8 MR. HARBECK: Object to the form of  
09:37:08 9 the question and the foundation. This is Bill  
09:37:10 10 Harbeck.

09:37:10 11 BY MR. ROMINE:

09:37:10 12 Q. That's okay. You can answer.

09:37:10 13 (Thereupon, Attorney Robert H. Eddy  
09:37:10 14 entered the deposition room.)

09:37:13 15 THE WITNESS: Well, at the beginning,  
09:37:14 16 they didn't have Powell Road Landfill. I'm, you  
09:37:20 17 know, talking like '70s, early -- or '60s and then  
09:37:25 18 maybe, I think, early '70s, but my uncle and one  
09:37:36 19 of the owners or the CEOs of Container Service and  
09:37:43 20 a company called General Refuge decided that they  
09:37:49 21 were going to build an incinerator.

09:37:51 22 And so they built their first one and  
09:37:55 23 it burnt a lot of wood, and they would get the  
09:38:00 24 pallets and stuff, and my uncle would have my  
09:38:03 25 cousin and myself stack them up in different piles

09:38:07 1 that were resellable (sic) so the rest of them  
09:38:11 2 could be burnt.

09:38:12 3 So everybody in town knew that that  
09:38:14 4 was the place to go.

09:38:14 5 BY MR. ROMINE:

09:38:15 6 Q. And where was this incinerator?

09:38:18 7 A. On South Dayton Dump.

09:38:19 8 Q. Okay. And so if I'm understanding  
09:38:22 9 your testimony that -- that there was a company  
09:38:29 10 called General Refuge?

09:38:30 11 A. Um-hum.

09:38:31 12 Q. Yes?

09:38:31 13 A. Yes, I'm sorry.

09:38:32 14 Q. Okay. That's okay. And it was  
09:38:35 15 somehow connected to Container Service and/or  
09:38:38 16 Baylock Trucking?

09:38:38 17 A. Yes, it was -- today, Waste  
09:38:42 18 Management mostly has all of them, but there  
09:38:44 19 were -- they did more of the suburbs,  
09:38:49 20 Englewood, Tipp City, Troy and the suburbs,  
09:38:53 21 Beaver creek, and -- and that was affiliated  
09:39:00 22 with -- I just forgot the name again.

09:39:06 23 Q. That's okay.

09:39:07 24 A. Larry Brandon, Larry Brandon's  
09:39:10 25 operation.

09:39:10 1 Q. Okay. So, again, just trying to  
09:39:13 2 make sure I understand you correctly, there was  
09:39:19 3 a company called General Refuge?

09:39:22 4 A. That was it.

09:39:22 5 Q. Yeah, and Larry Brandon was  
09:39:28 6 somehow in charge of General Refuge?

09:39:31 7 A. Yes.

09:39:31 8 Q. And he, along with one of your  
09:39:35 9 uncles, built an incinerator on the South  
09:39:37 10 Dayton Dump?

09:39:37 11 A. Well, not personally, but they --  
09:39:39 12 they hired --

09:39:40 13 Q. I understand.

09:39:40 14 A. -- a company to -- and the first  
09:39:42 15 one was built out of solid steel, and so that  
09:39:48 16 didn't last, so we had -- or they had to build  
09:39:50 17 another one out of concrete.

09:39:52 18 Q. When -- when was that? When was  
09:39:54 19 the first one built?

09:39:56 20 A. '69, I think. 1969.

09:40:03 21 Q. Okay. And then you say it was  
09:40:06 22 rebuilt at one time?

09:40:08 23 A. Yeah, I think in the mid '70s.

09:40:10 24 Q. Was it completely like destroyed  
09:40:13 25 and then built another one or did they kind of

09:40:15 1 like repair it?

09:40:16 2 A. Well, the steel one, because it  
09:40:18 3 was -- I don't think they anticipated how much  
09:40:20 4 heat, because they had blowers that would  
09:40:23 5 quickly burn the wood pallets and plywood  
09:40:27 6 instantly, that it started to buckle and -- but  
09:40:34 7 till they had to build the concrete  
09:40:37 8 incinerator, we still used pretty much till it  
09:40:44 9 cracked inside of it, so -- but --

09:40:45 10 Q. Fair enough. So, again, you're  
09:40:47 11 saying that a lot of wood waste would come to  
09:40:50 12 the South Dayton Dump because that's where the  
09:40:54 13 incinerator was?

09:40:54 14 A. Right.

09:40:55 15 Q. Okay. And Container Service and  
09:40:58 16 General Refuge would sometimes bring or did  
09:41:01 17 sometimes bring this wood waste to the  
09:41:03 18 incinerator for burning?

09:41:05 19 MR. HARBECK: Object to the form of  
09:41:06 20 the question.

09:41:07 21 BY MR. ROMINE:

09:41:07 22 Q. Go ahead.

09:41:09 23 A. If it wasn't -- it was quite often  
09:41:14 24 through the day. I mean, a truck would come  
09:41:17 25 about 45 minutes or so, because my cousin and I

09:41:20 1 couldn't keep up with them.

09:41:21 2 So we had to build another big

09:41:24 3 slab. I mean, they even came at nighttime and

09:41:27 4 dropped the pallets off, so --

09:41:28 5 Q. When you say they came at

09:41:31 6 nighttime, who's they?

09:41:32 7 A. The drives for Container Service.

09:41:36 8 Q. Okay.

09:41:39 9 A. And so my uncle -- there was a key

09:41:42 10 called 2246 and -- a master lock, and I think

09:41:46 11 all the drivers, everybody had a key, so --

09:41:51 12 Q. So the Container Service drivers

09:41:54 13 were able to come at night?

09:41:55 14 A. Yeah.

09:41:55 15 Q. Okay. Did anything go into the

09:41:59 16 incinerator other than wood?

09:42:02 17 A. Well, at the beginning, cardboard,

09:42:05 18 but it had destroyed itself so quickly, and

09:42:12 19 then one of -- a Container Service

09:42:16 20 representative found that they could recycle

09:42:16 21 it.

09:42:19 22 So they had a garbage truck come

09:42:23 23 over and hired two older guys and they would

09:42:27 24 put -- they would take the cardboard and then

09:42:30 25 push it onto this trash truck.

09:42:33 1 Q. And where would that trash truck  
09:42:36 2 go?

09:42:36 3 A. To -- I believe it was downtown at  
09:42:41 4 a recycling center. I don't know the name of  
09:42:45 5 it.

09:42:45 6 Q. Okay. So cardboard would come  
09:42:49 7 into the South Dayton Dump and then someone  
09:42:51 8 from Container Service would take that  
09:42:53 9 cardboard somewhere else?

09:42:56 10 A. Right.

09:42:57 11 MR. HARBECK: Object to the form of  
09:42:59 12 the question.

09:42:59 13 BY MR. ROMINE:

09:42:59 14 Q. When you say it was your uncle  
09:43:05 15 who, I guess, partnered with Larry Brandon,  
09:43:11 16 which uncle was this?

09:43:12 17 A. Alcine.

09:43:16 18 Q. Okay. And do you recognize the  
09:43:18 19 name Bob Aldridge?

09:43:19 20 A. Yes.

09:43:19 21 Q. And who is Bob Aldridge?

09:43:22 22 A. Bob was another gentleman that saw  
09:43:27 23 the need to build containers, so he started --  
09:43:33 24 where General Refuge had their garage and  
09:43:37 25 started building the big containers and then

09:43:41 1 the smaller ones we see today.

09:43:44 2 And so I worked for them for about  
09:43:46 3 a year painting them and sanding them down and  
09:43:50 4 got inside these big things and painted Teflon  
09:43:53 5 inside of them so they could slide the stuff  
09:43:55 6 out.

09:43:56 7 Q. And what was Bob Aldridge's  
09:43:58 8 company?

09:44:01 9 A. Container Service. Let's see,  
09:44:03 10 wait. He had another name for it, I don't  
09:44:08 11 remember, but it was -- it was affiliated with  
09:44:10 12 Larry Brandon's Container Service.

09:44:12 13 Q. Okay. So did Bob Aldridge and  
09:44:14 14 Larry Brandon work together in your mind?

09:44:17 15 A. Yeah.

09:44:17 16 Q. Okay. The wood and stuff that was  
09:44:25 17 burned in the incinerator, where did that come  
09:44:28 18 from?

09:44:32 19 A. Frigidaire, Delco Products, Inland  
09:44:40 20 Corporation, McCall's, Dayton Tire and Rubber.  
09:44:49 21 Sherwin-Williams sometimes came with pallets.

09:44:55 22 Dayton Power & Light came with a  
09:44:57 23 lot of rolls that wire was rolled up in, and we  
09:45:05 24 didn't really like those because they were so  
09:45:08 25 hard to get your forklift, because both forks



09:45:11 1 wouldn't get into it, I remember that, because  
09:45:13 2 we had a tractor that had forks on it and  
09:45:16 3 that's how we put them inside there, so --

09:45:19 4 Q. Have you ever heard the term air  
09:45:26 5 curtain destructor?

09:45:28 6 A. Air what?

09:45:29 7 Q. Air curtain destructor.

09:45:32 8 A. No.

09:45:32 9 Q. Okay. That's okay. So when the  
09:45:37 10 incinerator burned the pallets, was there ash  
09:45:41 11 then left over as a -- as a waste product of  
09:45:43 12 the burning?

09:45:43 13 A. Yes.

09:45:44 14 Q. And what -- what happened to that  
09:45:46 15 ash?

09:45:46 16 A. It would get pushed out into the  
09:45:48 17 dump.

09:45:53 18 Q. Okay. Where?

09:45:55 19 A. We had different tiers. There was  
09:45:57 20 like three tiers and then there was a pit at  
09:46:01 21 the bottom. So it -- the incinerator was built  
09:46:04 22 on the top tier and the doors for -- it was on  
09:46:09 23 the second tier.

09:46:11 24 Then we'd open it up, take the  
09:46:14 25 fork which they -- Larry Brandon had built like

09:46:19 1 a thing that would scoop it up and then we'd  
09:46:21 2 take it out and dump it along the side.

09:46:26 3 Q. All right. It sounds like  
09:46:31 4 you're -- you're kind of saying the same thing  
09:46:32 5 that you were telling Larry Silver in the last  
09:46:35 6 deposition, is that correct?

09:46:36 7 A. Yes.

09:46:36 8 Q. Okay. Is there anything that you  
09:46:38 9 remember about the incinerator ash or anything  
09:46:42 10 like that that you didn't cover with Larry that  
09:46:45 11 you want to tell us now?

09:46:48 12 A. Other than it was quite dangerous,  
09:46:51 13 the sparks, because it was oak mostly and  
09:46:56 14 poplar, you know, come out and burn us, and --  
09:46:59 15 and then the nails was a big to do because we  
09:47:04 16 would have so many flat tires.

09:47:08 17 We -- so they finally found out  
09:47:09 18 that they could fill the tires up with foam and  
09:47:13 19 then the nails wouldn't bother it anymore, or  
09:47:15 20 we'd run it so close to a pallet, that the  
09:47:17 21 nails would be sticking up, and then we were  
09:47:21 22 shut down and all these trucks were coming in  
09:47:23 23 every hour, and, you, know, so --

09:47:25 24 Q. So that the nails would puncture  
09:47:27 25 the tires of the trucks?

09:47:28 1 A. To the tractor.

09:47:30 2 Q. To the tractor.

09:47:30 3 A. Yeah.

09:47:31 4 Q. I see. Okay. So your equipment  
09:47:33 5 basically?

09:47:33 6 A. Yeah.

09:47:34 7 Q. Would the nails puncture the tires  
09:47:35 8 of any trucks coming in, any of your customers'  
09:47:39 9 trucks?

09:47:39 10 A. Every now and then, but they were  
09:47:42 11 tandem trucks, and, you know -- but it didn't  
09:47:43 12 stop what they were doing.

09:47:44 13 Q. Okay. I'm going to move on now  
09:47:49 14 from Blaylock and talk about somebody else.

09:47:52 15 A. Okay.

09:47:53 16 Q. Was there an auto salvage  
09:47:55 17 operation near the dump?

09:47:58 18 A. Yeah. Dad had brought a guy up  
09:48:01 19 from Tennessee and started what was called  
09:48:03 20 Doyle's Auto Parts, and Doyle had taken cars  
09:48:09 21 from the cities, Dayton, Kettering, just  
09:48:13 22 suburbs, to salvage and sell parts.

09:48:17 23 Q. How did the cars get from the City  
09:48:21 24 of Dayton and Kettering and the other towns to  
09:48:24 25 Doyle's?

09:48:25 1 A. Various towing companies mostly  
09:48:31 2 that the city had hired and --

09:48:32 3 Q. Okay. So these were like  
09:48:34 4 abandoned cars?

09:48:35 5 A. Yeah.

09:48:35 6 Q. Okay. And so the towing companies  
09:48:38 7 brought these abandoned cars from the City of  
09:48:43 8 Dayton and Kettering to Doyle's?

09:48:44 9 A. Right.

09:48:45 10 Q. Any other towns besides the City  
09:48:48 11 of Dayton and Kettering? I think you may have  
09:48:50 12 mentioned one that I missed.

09:48:53 13 A. City of Dayton, Kettering.  
09:48:53 14 Oakwood, not very many. It wasn't called  
09:48:57 15 Moraine back then. I think it was called  
09:48:59 16 Moraine Township, it wasn't the City of Dayton.

09:49:02 17 And Miamisburg, I think, every now  
09:49:07 18 and then, but Dayton had such a vast area,  
09:49:11 19 that -- but like Greene County and places like  
09:49:14 20 that, they -- they had another company --  
09:49:19 21 Kil-Kare -- Kil-Kare Auto Parts.

09:49:21 22 Q. Would you say that the City of  
09:49:23 23 Dayton had most of the cars that came to  
09:49:25 24 Doyle's?

09:49:26 25 A. Right.

09:49:26 1 Q. Okay. And what would happen to  
09:49:30 2 these cars once they were brought to Doyle's?

09:49:32 3 A. Well, Doyle's hired me one winter  
09:49:35 4 because it was slow at the dump, and I really  
09:49:39 5 didn't like the cold, so slips would come in,  
09:49:43 6 they'd bring -- send slips in and I had to sign  
09:49:46 7 them and put those with the titles, somehow  
09:49:50 8 they got duplicate of title, they'd staple them  
09:49:54 9 together, and so I think they had to wait so  
09:49:56 10 many days and then it would be -- it was  
09:50:01 11 instantly owned by Doyle Roberson, and then --  
09:50:05 12 then he would put them in various locations and  
09:50:08 13 then they could sell the parts off of them.

09:50:09 14 Q. Okay. So they sold parts to the  
09:50:11 15 cars?

09:50:11 16 A. Yeah.

09:50:13 17 Q. What about the fluids, like the  
09:50:15 18 oil and transmission fluid and stuff like  
09:50:18 19 that?

09:50:18 20 A. Well, most -- the gas they would  
09:50:23 21 either puncture, but back then there were --  
09:50:26 22 before EPA had started putting a restriction,  
09:50:31 23 they would light them on fire and let them burn  
09:50:35 24 and -- because it was pretty cool because --  
09:50:36 25 when the gas tank blew.

09:50:38 1 So, as a kid, I thought that was  
09:50:40 2 the neatest thing, you know, but the  
09:50:42 3 transmissions were taken out if they weren't  
09:50:45 4 sold and put in a big pile and then would drain  
09:50:47 5 the transmission fluid and go right into the  
09:50:50 6 ground.

09:50:50 7 Q. How about the motor oil?

09:50:52 8 A. The same.

09:50:52 9 Q. Okay. So sometimes they would  
09:50:55 10 sell -- and, again, I'm just trying to figure  
09:50:59 11 out what happened to them.

09:51:00 12 Sometimes maybe the motor itself  
09:51:02 13 would be sold, the engine would be sold as is  
09:51:04 14 to somebody, a customer it could be?

09:51:06 15 A. Right.

09:51:06 16 Q. And if it wasn't, the oil would be  
09:51:08 17 drained into the ground?

09:51:10 18 A. Right, and then he would take it  
09:51:11 19 to a salvage yard for the steel -- metal.

09:51:14 20 Q. Okay. And, again, would the  
09:51:16 21 transmission -- a transmission might be sold as  
09:51:18 22 is or it might not be and the transmission  
09:51:21 23 fluid would be drained into the ground?

09:51:23 24 A. Yes.

09:51:24 25 Q. And the -- the chassis or the --

09:51:26 1 whatever the carcass that was left over would  
09:51:28 2 be burned?

09:51:29 3 A. Um-hum.

09:51:31 4 Q. That's a yes?

09:51:32 5 A. Yes. I'm sorry.

09:51:32 6 Q. That's okay. And how many cars  
09:51:39 7 would come in, like once a day? Once a week?  
09:51:43 8 What was the --

09:51:44 9 A. Oh, every hour.

09:51:44 10 Q. Every hour cars would come in?

09:51:46 11 A. Yeah.

09:51:47 12 Q. Was this -- and, again, going  
09:51:48 13 back, when did you start noticing these cars  
09:51:51 14 come in? Like how old were you when you saw  
09:51:54 15 this again?

09:51:58 16 MR. MUSTO: Objection.

09:51:58 17 BY MR. ROMINE:

09:51:59 18 Q. Go ahead.

09:52:01 19 A. Way back, maybe nine, ten,  
09:52:03 20 something like that.

09:52:03 21 Q. When you were nine or ten years  
09:52:03 22 old?

09:52:05 23 A. Yeah.

09:52:05 24 Q. And how long did Doyle have this  
09:52:09 25 operation at the dump?

09:52:12 1 A. Doyle had had some health issues,  
09:52:17 2 and I think -- and then he got into buying bars  
09:52:19 3 and stuff like that, and his interest kind of  
09:52:23 4 leaned more towards the bars than it did the  
09:52:25 5 auto parts, but I think -- I think I remember  
09:52:29 6 probably in the middle '80s, late '90s -- or  
09:52:35 7 late '80s, I think he did finally slow down  
09:52:38 8 and -- but I think it ended up somewhere in the  
09:52:43 9 '90s somebody else got it and --

09:52:43 10 Q. Okay. So your memory is that  
09:52:47 11 Doyle ran the operation until mid to late '80s,  
09:52:50 12 but it slowed down at that point?

09:52:52 13 A. Um-hum.

09:52:52 14 Q. Yes?

09:52:53 15 A. Yes.

09:52:53 16 Q. Yeah. But someone else maybe  
09:52:56 17 bought it from him or took over the business?

09:52:58 18 A. Well, I think the city just found  
09:53:02 19 another -- they -- they came out with a car  
09:53:06 20 crusher, and I remember Dad, someone approached  
09:53:12 21 him -- people were always coming over to my  
09:53:14 22 dad's house and wanting to loan money to a buy  
09:53:18 23 million dollar crusher or whatever, and I think  
09:53:21 24 they were considering getting one, but it was  
09:53:23 25 just too expensive, so -- so I think that they



09:53:28 1 were being crushed instead of burned.

09:53:29 2 By then the EPA was really pretty  
09:53:32 3 heavy on Doyle and the dump. South Dayton  
09:53:35 4 Dump, I'm sorry.

09:53:35 5 Q. Okay. That's okay. And so the  
09:53:39 6 business again slowed down sometime in the mid  
09:53:41 7 or late '80s?

09:53:43 8 A. Um-hum. Yes.

09:53:43 9 Q. And that's when -- that's when you  
09:53:45 10 remember the city getting a car crusher?

09:53:49 11 A. Well, it wasn't actually the city.  
09:53:50 12 I think there was a company down in West  
09:53:54 13 Carrollton, a private owner, I believe, and  
09:53:57 14 so --

09:53:57 15 Q. Okay. I'm going to move on now.  
09:54:04 16 Coca-Cola, did you ever see any Coca-Cola  
09:54:07 17 products come to the site?

09:54:09 18 A. Oh, yeah.

09:54:10 19 Q. And tell me a little bit about  
09:54:13 20 that. What was the kind of waste that you  
09:54:14 21 would see?

09:54:16 22 A. Oh, a lot of wood crates that  
09:54:19 23 would carry like a 24 -- let's see --  
09:54:25 24 24 bottles, and some of them were divided for  
09:54:29 25 the small eight ounce, and then the others were

09:54:32 1 for like the 16 ounce, and they came in quite  
09:54:37 2 often.

09:54:37 3 Q. Okay. Other than the wooden  
09:54:40 4 cases, was there anything coming from  
09:54:42 5 Coca-Cola?

09:54:42 6 A. A lot of bottles. They had -- we  
09:54:45 7 thought they was pretty neat, because I  
09:54:47 8 remember because they had stamped -- we started  
09:54:49 9 collecting them, because at the bottom it would  
09:54:51 10 say where the bottling company come in, because  
09:54:55 11 people come and go, you get some even from as  
09:54:59 12 far away as California, you know, so, we  
09:55:03 13 collected state for state, you know.

09:55:05 14 Q. I see. And did -- did Coca-Cola  
09:55:09 15 have their own trucks?

09:55:10 16 A. Yes, um-hum.

09:55:11 17 Q. And I'm trying to -- what was the  
09:55:14 18 logo or emblem on the truck?

09:55:19 19 A. It was red and white. It said  
09:55:24 20 Coca-Cola Bottling Company.

09:55:26 21 Q. And how often did these Coca-Cola  
09:55:32 22 Bottling Company trucks come to South Dayton  
09:55:35 23 Dump?

09:55:35 24 A. Maybe once a week. Maybe every  
09:55:39 25 other week.

09:55:40 1 Q. Okay. And was there any syrup or  
09:55:46 2 liquid that was ever dumped at the site from  
09:55:49 3 Coca-Cola Bottling?

09:55:50 4 A. Sometimes there was containers, I  
09:55:52 5 believe, had syrup in it. I don't remember  
09:55:56 6 what they look like, but they --

09:55:59 7 Q. Okay. Do you remember any of the  
09:56:01 8 drivers?

09:56:02 9 A. No.

09:56:02 10 Q. Okay. Was the syrup or liquid --  
09:56:06 11 could you use that for anything?

09:56:09 12 A. Well, we tried to take some of it.  
09:56:12 13 We had a -- a thing you put a CO2 cartridge in  
09:56:16 14 and use it, but it didn't taste very good, so I  
09:56:20 15 guess that's why they got rid of it, so --

09:56:22 16 Q. Okay. So you tried to -- you'd  
09:56:23 17 take the syrup and make the soda out of it --

09:56:25 18 A. Yeah.

09:56:25 19 Q. -- but it didn't work very well?

09:56:27 20 A. No.

09:56:27 21 Q. Okay. Moving on now again.

09:56:35 22 Earlier you had mentioned a McCall's?

09:56:38 23 A. Um-hum.

09:56:39 24 Q. Yes?

09:56:39 25 A. Yes. I'm sorry.

09:56:40 1 Q. What is McCall's?

09:56:41 2 A. They had mostly cardboard, sheets  
09:56:50 3 of paper, eight by whatever, eight by 16 or  
09:56:55 4 something. Ink cartridges. A lot of like  
09:57:05 5 lunch de -- breakfast, lunch debris, stuff like  
09:57:08 6 that.

09:57:09 7 Q. Okay. So they were a customer of  
09:57:09 8 South Dayton Dump?

09:57:12 9 A. Yes.

09:57:12 10 Q. And what kind of business was it?  
09:57:13 11 What did they make?

09:57:15 12 A. They were a magazine company.

09:57:16 13 Q. Okay. Anything besides paper?

09:57:21 14 A. Wood pallets, but a lot of -- a  
09:57:29 15 lot of paper waste.

09:57:30 16 Q. Any ink?

09:57:31 17 A. Yeah, ink.

09:57:32 18 Q. And how did the ink come?

09:57:37 19 A. It was in like tubes, because I  
09:57:40 20 remember we -- if they dumped on our slab and  
09:57:44 21 we didn't see it and we accidentally rolled  
09:57:47 22 over it, that ink would go everywhere and on us  
09:57:50 23 and so we really didn't like it too well, but  
09:57:54 24 if it was yellow and whatever color it was, it  
09:57:57 25 was real gooey, ooey (sic) and --

09:57:59 1 Q. So they were different colors ink?

09:58:01 2 A. Yeah.

09:58:01 3 Q. Okay. And what did the tubes look  
09:58:04 4 like? Like how big were they?

09:58:07 5 A. I don't know if you ever seen  
09:58:12 6 caulking in a tube?

09:58:13 7 Q. Sure.

09:58:14 8 A. They have bigger tubes, they  
09:58:15 9 were -- I think they were either that size or  
09:58:17 10 bigger.

09:58:18 11 Q. Okay. So I'm going to suggest to  
09:58:23 12 you, correct me if I'm wrong, maybe 18 inches  
09:58:25 13 or two feet long?

09:58:29 14 MR. ANDREASEN: Objection.

09:58:36 15 THE WITNESS: I'm thinking 12 to 16  
09:58:39 16 inches. About 16 to 18.

09:58:39 17 BY MR. ROMINE:

09:58:39 18 Q. Okay. And did McCall's have their  
09:58:45 19 own trucks or was it hauled by somebody else?

09:58:47 20 A. Container Service, Larry Brandon,  
09:58:50 21 that was one of their big people they hauled  
09:58:54 22 for.

09:58:54 23 Q. Okay. And how often did the  
09:58:57 24 McCall's waste come to the site?

09:59:02 25 A. A couple times a week.

09:59:05 1 Q. Okay. Did -- was there always  
09:59:08 2 like paper and ink or did the loads vary,  
09:59:12 3 sometimes there was ink, sometimes there was  
09:59:12 4 paper?

09:59:14 5 A. It -- it varied. That's what made  
09:59:16 6 my cousin and I angry, because, you know,  
09:59:19 7 you -- you had to separate the stuff that  
09:59:24 8 wasn't allowed to go in the incinerator and  
09:59:26 9 then -- by hand, and so it was pretty messy,  
09:59:28 10 so --

09:59:28 11 Q. Okay. So the -- the waste and the  
09:59:30 12 pallet could go in the incinerator, correct?

09:59:34 13 A. Well, the waste, the paper and  
09:59:36 14 stuff could be collected by -- if you remember  
09:59:38 15 me telling you, there was two older guys that  
09:59:42 16 put it into the -- another bin. It wasn't  
09:59:45 17 allowed to go, I guess, with the cardboard,  
09:59:47 18 but -- and I really don't remember what they --  
09:59:53 19 they done with that till later on.

09:59:56 20 Q. Okay. So -- so the pallets and  
09:59:58 21 skids would go in the incinerator?

10:00:01 22 A. Right.

10:00:01 23 Q. But the ink couldn't go in the  
10:00:03 24 incinerator?

10:00:03 25 A. Right.

10:00:03 1 Q. Okay. And where would the ink go  
10:00:06 2 or where did the ink go?

10:00:08 3 A. We put it into barrels and took it  
10:00:11 4 down to the bottom where other liquids were  
10:00:13 5 dumped.

10:00:13 6 Q. So the pit you talked about  
10:00:14 7 earlier?

10:00:15 8 A. Um-hum.

10:00:15 9 Q. Yes?

10:00:15 10 A. Yes.

10:00:16 11 Q. Okay. And when do you -- when do  
10:00:19 12 you first remember McCall's waste coming into  
10:00:23 13 the dump?

10:00:30 14 A. Mid '60s. See, I worked at  
10:00:34 15 McCall's for Larry one winter doing snow  
10:00:39 16 removal and salt thing, and I think that was  
10:00:44 17 '67. So mid -- mid '60s.

10:00:45 18 Q. Okay. And did McCall's bring  
10:00:51 19 waste to the site -- or, excuse me. Was there  
10:00:53 20 McCall's waste brought to the site throughout  
10:00:56 21 the time period the dump was operating?

10:00:57 22 A. Yes, um-hum.

10:00:59 23 Q. Okay. All right. I'm going to  
10:01:01 24 switch gears again. Have you heard of the  
10:01:05 25 Dayton Daily News?

10:01:06 1 A. Oh, yeah.

10:01:07 2 Q. And were they a customer of the  
10:01:09 3 site?

10:01:10 4 A. That, and Journal Herald. At the  
10:01:13 5 time, there was two newspapers, one in the  
10:01:15 6 morning and one in the afternoon.

10:01:16 7 Q. And which was the morning?

10:01:18 8 A. The Journal Herald.

10:01:20 9 Q. Was it the same company?

10:01:23 10 A. I'm pretty sure, yeah.

10:01:24 11 Q. Okay. And so there was waste from  
10:01:29 12 both the Daily News and the Journal Herald that  
10:01:31 13 came to the site?

10:01:32 14 A. Yeah.

10:01:32 15 Q. To the dump?

10:01:33 16 A. Yes.

10:01:34 17 Q. Okay. And what kind of -- what  
10:01:36 18 kind of waste?

10:01:37 19 A. Again, like McCall's, mostly paper  
10:01:41 20 products, and not so much the ink cart -- I  
10:01:49 21 don't remember too much about ink from them,  
10:01:51 22 but it was mostly paper debris, shreds, like  
10:01:55 23 shreds of paper, newspaper and -- because I  
10:02:00 24 remember Larry at one particular point, I think  
10:02:03 25 it was the latter part of the '60s, decided it



10:02:07 1 had a use, so he started another company called  
10:02:11 2 Dayton Fiber, and he would take the newspapers  
10:02:13 3 over to another building that was across the  
10:02:16 4 river, what we called Drexel area, and started  
10:02:21 5 shredding it and putting a chemical with it and  
10:02:24 6 making insulation.

10:02:25 7                   So then he hired another couple  
10:02:28 8 guys that had another trash truck, and that's  
10:02:30 9 all they would put it in was newspaper.

10:02:32 10           Q.     Okay.   This is Larry Brandon?

10:02:34 11           A.     Yes.

10:02:34 12           Q.     Okay.   So let's -- going back to  
10:02:40 13 their trucks now, did they -- or, excuse me.

10:02:42 14                   Did the Daily News and Journal  
10:02:46 15 Herald have their own trucks that came to the  
10:02:47 16 site or did they have other haulers bring their  
10:02:50 17 waste to the site?

10:02:51 18           A.     I'm pretty -- yeah.   Yeah, they  
10:02:53 19 had like white trucks, like panel trucks.

10:02:57 20           Q.     And so at some point before Larry  
10:03:03 21 Brandon started his insulation business, the  
10:03:06 22 waste that came to the site from the Daily News  
10:03:10 23 and the Journal Herald, would that get disposed  
10:03:12 24 of at the dump?

10:03:13 25           A.     Yeah, mostly we'd put it down at

10:03:16 1 the bottom in the pit to absorb a lot of the  
10:03:21 2 other products, and it would sort of dissolve,  
10:03:25 3 like toilet paper eventually.

10:03:26 4 So it was kind of nice when he  
10:03:28 5 started that company, because we didn't have to  
10:03:30 6 mess with it anymore at -- at the incinerator,  
10:03:32 7 so, you know.

10:03:34 8 Q. Okay. Now, was it like blank  
10:03:36 9 newsprint or was it like old printed newspaper  
10:03:40 10 that came?

10:03:40 11 A. Both.

10:03:41 12 Q. Both. Okay. And now after Larry  
10:03:47 13 Brandon started his Dayton Fiber operation, was  
10:03:52 14 there waste that came from the newspapers that  
10:03:55 15 stayed at the South Dayton Dump or did it all  
10:03:57 16 go over to Dayton Fiber?

10:03:59 17 A. Well, like I said, it -- oh, you  
10:04:02 18 mean during the operation?

10:04:03 19 Q. Yeah.

10:04:04 20 A. Of Larry's operation?

10:04:05 21 Q. Correct.

10:04:06 22 A. Well, there'd still be pallets  
10:04:09 23 sometimes. Sometimes there would be these  
10:04:13 24 newspaper steel things that you put newspaper  
10:04:17 25 in, sometimes they would come, but mostly paper

10:04:23 1 debris.

10:04:24 2 Q. When you say the steel things,  
10:04:26 3 like you'd go on the sidewalk and you'd put  
10:04:27 4 your quarter in --

10:04:27 5 A. Right.

10:04:29 6 Q. -- and take out your newspaper?

10:04:30 7 A. Right.

10:04:30 8 Q. And those would sometimes be  
10:04:34 9 disposed of at the dump?

10:04:35 10 A. Right.

10:04:35 11 Q. Okay. And, again, when do you  
10:04:44 12 first remember that the -- the waste coming  
10:04:48 13 from the newspapers to the dump?

10:04:53 14 A. As long as I can remember. I was  
10:04:55 15 pretty young.

10:04:55 16 Q. And when did Larry Brandon start  
10:04:58 17 his Dayton Fiber operation?

10:05:00 18 A. Once again, I think I said before,  
10:05:03 19 I think late '70s -- or late '60s.

10:05:06 20 Q. Late '60s?

10:05:07 21 A. Yeah.

10:05:07 22 Q. Okay.

10:05:13 23 A. Everything was kind of really  
10:05:15 24 jumping in the '60s. I don't know why, but it  
10:05:17 25 was just, you know -- the '70s was more touch

10:05:23 1 and go, and so -- but I remember the '60s being  
10:05:27 2 a lot of -- lot of stuff came in.

10:05:30 3 Q. Good business for the dump during  
10:05:31 4 the '60s?

10:05:32 5 A. Pardon me?

10:05:33 6 Q. Good business for the dump during  
10:05:34 7 the '60s?

10:05:35 8 A. Yeah, um-hum.

10:05:36 9 Q. Okay. And how often did the  
10:05:41 10 newspapers' trucks come to the dump?

10:05:46 11 A. Well, I think I said it was -- it  
10:05:49 12 was maybe a couple times a week.

10:05:51 13 Q. Okay. How you doing so far?

10:05:54 14 A. Okay.

10:05:55 15 Q. Do you need a break?

10:05:56 16 A. No, I'm fine.

10:05:57 17 Q. Okay. Are you familiar with a  
10:06:10 18 company called DAP, D-A-P?

10:06:12 19 A. Yeah, they made tubes of  
10:06:19 20 different -- various things. Mostly caulking,  
10:06:22 21 that I remember.

10:06:23 22 Q. And did DAP --

10:06:25 23 MR. COUGHLIN: Objection. Move to  
10:06:26 24 strike as nonresponsive. That's Bill Coughlin for  
10:06:26 25 DAP.

10:06:32 1 BY MR. ROMINE:

10:06:32 2 Q. Did DAP Products come to the South  
10:06:36 3 Dayton Dump as waste?

10:06:37 4 A. Yep.

10:06:37 5 MR. COUGHLIN: Object to form.

10:06:39 6 Leading.

10:06:39 7 BY MR. ROMINE:

10:06:39 8 Q. Go ahead.

10:06:41 9 MR. COUGHLIN: And, Dave, so I'm  
10:06:43 10 not -- I have to do this question by question,  
10:06:46 11 because apart from the form objection, there's  
10:06:49 12 also an objection that emerges from the November  
10:06:53 13 6th hearing we had, and that was, we were supposed  
10:06:57 14 to get a synopsis so we could evaluate whether or  
10:06:59 15 not you were going to be retreading the same  
10:07:02 16 ground in this deposition as in the 2012  
10:07:04 17 deposition, we didn't get that, and it also sounds  
10:07:07 18 like you're retreading the same ground.

10:07:10 19 So on the basis of the directives we  
10:07:12 20 got from the Court on November 6th, I'm going to  
10:07:15 21 move to strike the testimony as well. I want to  
10:07:18 22 try to have to avoid -- I'm going to try to avoid  
10:07:18 23 objecting to each question, but without the  
10:07:22 24 synopsis, I don't know until I hear it, and in  
10:07:24 25 light of the question -- in light of the prior

10:07:27 1 question to where the witness gave an answer that  
10:07:31 2 was unresponsive, I'm just going to have to do  
10:07:34 3 those objections.

10:07:35 4 MR. ROMINE: And did you object to  
10:07:36 5 the notice of deposition by December 6th as we  
10:07:40 6 instructed the recipients in the notice of  
10:07:42 7 deposition?

10:07:43 8 MR. COUGHLIN: Yes, in fact, we did  
10:07:44 9 in writing, along with some of the other  
10:07:47 10 defendants, and that's why I'm preserving these  
10:07:50 11 objections, and, in fact, in e-mails you drafted,  
10:07:57 12 you said these were preserved, so I'm going to do  
10:08:01 13 that.

10:08:01 14 MR. ROMINE: No, I mean, did you  
10:08:03 15 object by December 6th in the revised notice of  
10:08:06 16 deposition that was sent out, in the revised  
10:08:07 17 notice of deposition? Did you object after the  
10:08:11 18 revised notice of deposition was sent out?

10:08:12 19 MR. COUGHLIN: We objected to -- yes,  
10:08:15 20 we preserved our objections, that's correct.

10:08:17 21 MR. ROMINE: No, no. Did you object  
10:08:17 22 to the revised notice of deposition after the  
10:08:20 23 revised notice of deposition was sent out?

10:08:22 24 MR. COUGHLIN: Yes, we preserved our  
10:08:24 25 objections, and to the extent there's any doubt in

10:08:28 1 your mind, I'm doing it now --

10:08:29 2 MR. ROMINE: Do you have that  
10:08:29 3 objection in writing that you sent after the  
10:08:31 4 revised notice of deposition was sent out? Do you  
10:08:34 5 have it right now?

10:08:35 6 MR. COUGHLIN: Well, it's --

10:08:36 7 MR. ROMINE: Do you have it right  
10:08:37 8 now?

10:08:37 9 MR. COUGHLIN: Let me answer your  
10:08:41 10 question, I'm not the witness. I'm just making an  
10:08:42 11 objection. I don't know if I have a copy of it,  
10:08:44 12 but I know I have it -- I know I've seen the  
10:08:45 13 letters. I know I have the e-mail exchanges, I  
10:08:48 14 know you've seen them, and I'm preserving those  
10:08:50 15 objections. If you think somehow they were  
10:08:52 16 waived, they're not. I'm going to make the  
10:08:54 17 objections.

10:08:55 18 MR. ROMINE: Do you -- did you  
10:08:55 19 send --

10:08:57 20 MR. COUGHLIN: Do you have any more  
10:08:58 21 questions? Are we going on or what?

10:08:59 22 MR. ROMINE: I'm asking you a  
10:09:00 23 question. You put your objections on the record.  
10:09:02 24 I'm asking you a question.

10:09:03 25 MR. COUGHLIN: Okay.

10:09:03 1 MR. ROMINE: Did you send a written  
10:09:04 2 objection to me after my e-mail exchange with Mr.  
10:09:11 3 Haughey pursuant to the revised notice of  
10:09:13 4 deposition I sent after my e-mail exchange with  
10:09:16 5 Mr. Haughey? Did you do that?

10:09:17 6 MR. COUGHLIN: I don't know, but I do  
10:09:20 7 know I'm preserving the objections as was set  
10:09:23 8 forth in the correspondence, and I'm doing it now,  
10:09:26 9 and I don't think there was anything that you or  
10:09:28 10 me or anybody else could write that would alter  
10:09:31 11 what the judge directed us to do on November 6th.

10:09:34 12 So I'm going to preserve those  
10:09:36 13 objections, and I'm sorry to agitate you, but I  
10:09:40 14 know of no other way to do it. I'm happy to be  
10:09:41 15 educated otherwise.

10:09:41 16 BY MR. ROMINE:

10:09:46 17 Q. Let's talk about DAP. Was there  
10:09:52 18 waste from DAP that came to the South Dayton  
10:09:53 19 Dump?

10:09:53 20 A. Yes.

10:09:54 21 MR. COUGHLIN: Objection. Form.  
10:09:54 22 Leading. November 6th.

10:09:58 23 MR. ROMINE: Do you have the  
10:09:58 24 transcript of the judge's order on November 6th?  
10:10:01 25 Do you have it with you right now?



10:10:03 1 MR. COUGHLIN: Do you have any more  
10:10:03 2 questions?

10:10:04 3 MR. ROMINE: Do you have it with you  
10:10:05 4 right now?

10:10:06 5 MR. COUGHLIN: Do you have any more  
10:10:06 6 questions?

10:10:07 7 MR. ROMINE: I'm asking you a  
10:10:08 8 question. You're objecting on the basis of the  
10:10:10 9 November 6th --

10:10:10 10 MR. COUGHLIN: I'm going to make my  
10:10:12 11 objections. I can't help it if you weren't on the  
10:10:12 12 phone.

10:10:13 13 MR. ROMINE: I was on the phone. I  
10:10:13 14 was there.

10:10:13 15 (Thereupon, the court reporter  
10:10:13 16 interrupted the proceedings.)

10:10:15 17 MR. HAUGHEY: Hold on. Hold on,  
10:10:16 18 folks. We're getting nowhere with this. This is  
10:10:21 19 Steve Haughey. Can't we just take a running or  
10:10:24 20 continuing objection for all the grounds that  
10:10:27 21 counsel for DAP has raised, and then let's just  
10:10:30 22 move on?

10:10:30 23 I don't understand why we have to  
10:10:31 24 continue to enter the objections and argue about  
10:10:33 25 them. Make the continuing objection and let's

10:10:34 1 move on and get this record done or we're not  
10:10:37 2 going to get out of here.

10:10:38 3 MR. COUGHLIN: Well, Steve, there is  
10:10:39 4 an issue of why I have to make the objections. If  
10:10:41 5 we had a synopsis, then I'd know what your  
10:10:43 6 questions are.

10:10:43 7 MR. HAUGHEY: You can do a continuing  
10:10:45 8 objection on that grounds and then you don't have  
10:10:47 9 to do it in every question, which obviously is  
10:10:50 10 irritating counsel.

10:10:51 11 So why can't we put a continuing  
10:10:53 12 objection on the record, Bill?

10:10:54 13 MR. COUGHLIN: I can't help it if it  
10:10:56 14 irritates him, but I won't know the question until  
10:10:58 15 I hear it, so I may not have an objection to it.

10:11:00 16 MR. ROMINE: I'm willing to have a  
10:11:02 17 standing objection for you from any alleged  
10:11:10 18 violation of what the judge said on November 6th.

10:11:14 19 MR. COUGHLIN: Well, thank you, I  
10:11:15 20 appreciate that, and I will make that continuing  
10:11:18 21 objection, but there's also the question of form.

10:11:21 22 You noticed this witness. You've not  
10:11:23 23 noticed him upon cross-examination. You can't ask  
10:11:27 24 him leading questions, you have to ask him direct  
10:11:29 25 exam questions, and you're leading him, so I have

10:11:32 1 to make those objections or they're waived.

10:11:41 2 MR. ROMINE: Did anybody bring their  
10:11:42 3 Federal Rules of Civil Procedure?

10:11:45 4 MR. SHARETT: Well, we don't have to  
10:11:46 5 bring the rules. He can just ask him leading  
10:11:48 6 questions the whole time.

10:11:49 7 MR. COUGHLIN: If you have the notice  
10:11:49 8 of deposition, it does not -- it doesn't use the  
10:11:51 9 phrase cross-examination.

10:11:52 10 MR. ROMINE: Does anybody have the  
10:11:56 11 Federal Rules of Civil Procedure?

10:11:56 12 MR. HAUGHEY: I don't think anybody  
10:11:58 13 does, but I -- this is Steve Haughey. I have the  
10:11:59 14 notice and --

10:11:59 15 MR. ROMINE: Good.

10:12:01 16 MR. HAUGHEY: -- I do concur that the  
10:12:02 17 notice does not state that it will be on  
10:12:05 18 cross-exam nor does the subpoena, so, you know,  
10:12:08 19 I -- and you didn't, Mr. Romine, specify at the  
10:12:12 20 beginning whether this was going to be on cross or  
10:12:15 21 direct. So I don't know what we're doing here,  
10:12:17 22 and I -- like Mr. Coughlin, I would presume that  
10:12:20 23 since it didn't say it was going to be on cross  
10:12:22 24 and there was not a subpoena, that this is not a  
10:12:25 25 deposition as on cross, but -- and there was no

10:12:28 1 foundation to set it up that way.

10:12:33 2 MR. HARRIS: This is Glenn Harris. I  
10:12:33 3 have two comments -- two comments from Glenn  
10:12:36 4 Harris. Number one, I don't really care what his  
10:12:39 5 notice said anyway. He can't change what the  
10:12:41 6 rules are with his notice. Number two, I got a  
10:12:43 7 rule book here if you want to know what the rule  
10:12:45 8 says.

10:12:45 9 MR. ROMINE: Yeah. What does Rule  
10:12:49 10 30(b) say?

10:12:53 11 MR. HARRIS: Well, it says a lot of  
10:12:54 12 things. Are you trying to -- are you looking at  
10:12:56 13 something in particular?

10:12:58 14 MR. ROMINE: Yeah, about objections.

10:12:59 15 MR. HARRIS: I mean, it's a -- this  
10:13:02 16 is a three page rule. It says examination and  
10:13:11 17 cross-examination of a deponent proceed as they  
10:13:14 18 would at trial under the Federal Rules of  
10:13:14 19 Evidence.

10:13:17 20 In other words, you can't ask leading  
10:13:19 21 questions because he's your witness. Objections:  
10:13:21 22 An objection at the time of the examination,  
10:13:25 23 whether to evidence, to a party's conduct, to the  
10:13:27 24 officer's qualifications, to the manner of taking  
10:13:30 25 the deposition or to any other aspect of the

10:13:33 1 deposition must be noted on the record, but the  
10:13:36 2 examination still proceeds. The testimony is  
10:13:38 3 taken subject to any objection.

10:13:40 4 An objection must be stated concisely  
10:13:42 5 in a nonargumentative and nonsuggestive manner. A  
10:13:45 6 person may instruct a deponent not to answer only  
10:13:49 7 when necessary to preserve a privilege, to enforce  
10:13:52 8 a limitation ordered by the Court or to present a  
10:13:53 9 motion under Rule 30(d)(3). And while I'm at it,  
10:13:53 10 I'm joining in Bill Coughlin's objection.

10:14:20 11 MR. HAUGHEY: This is Steve Haughey.  
10:14:20 12 I'm also going to join the objection on behalf of  
10:14:25 13 Flowserve, Coca-Cola, University of Dayton and  
10:14:28 14 Standard Register, but I would offer that if  
10:14:31 15 someone is willing to give me a continuing  
10:14:34 16 objection on any leading questions done on direct,  
10:14:38 17 then I'm ready to move on.

10:14:40 18 MR. ROMINE: I'll give you the  
10:14:40 19 continuing objection.

10:14:41 20 MR. HAUGHEY: Thank you.

10:14:43 21 MR. HARRIS: Well, wait a minute, I'm  
10:14:44 22 not willing to waive that. He's not supposed to  
10:14:47 23 ask leading questions. I'm not going to just let  
10:14:48 24 him ask leading questions just because -- you  
10:14:48 25 know, I'll object every time if I have to.

10:14:51 1 MR. COUGHLIN: Barb, this is Bill  
10:14:52 2 Coughlin. I will not waive. Form. Leading.

10:14:55 3 MR. HAUGHEY: Okay. Hey, gentlemen,  
10:14:55 4 I'm not waiving anything. This is -- I said as  
10:14:58 5 long as I get a continuing objection so I don't  
10:15:00 6 have to keep interrupting every ten seconds.  
10:15:03 7 That's not a waiver, gentlemen, so there's nothing  
10:15:06 8 wrong with entering --

9 MR. SHARETT: I guess you're just  
10 required to ask questions in the right form.

11 MR. HAUGHEY: I hear you.

12 (Thereupon the court reporter  
13 interrupted the proceedings.)

10:15:12 14 MR. SHARETT: Anthony Sharett, DP&L.  
10:15:12 15 I just have an objection because he hasn't dealt  
10:15:16 16 with my client yet, but the vast majority of his  
10:15:19 17 questions have been leading, lack foundation and  
10:15:21 18 are objectionable to form, just like 80 percent of  
10:15:23 19 your questions. So I don't think we should be  
10:15:25 20 waiving the fact that he should be required to ask  
10:15:29 21 questions in the correct form. This is your  
10:15:45 22 witness.

10:16:29 23 MR. McCALL: If we're not going to  
10:16:32 24 proceed, can we go off the record?

10:16:32 25 MR. ROMINE: We're going to proceed

10:16:33 1 in a minute. Could you read back the last  
10:17:57 2 question and answer, please?

10:17:57 3 (Record read.)

10:17:57 4 BY MR. ROMINE:

10:18:56 5 Q. Was DAP waste brought to South  
10:18:56 6 Dayton Dump?

10:18:59 7 A. Yeah.

10:18:59 8 MR. COUGHLIN: Objection to form.  
10:19:00 9 Leading.

10:19:01 10 BY MR. ROMINE:

10:19:02 11 Q. And what kind of waste from DAP  
10:19:04 12 came into the site?

10:19:06 13 MR. COUGHLIN: Objection to form.  
10:19:07 14 Leading.

10:19:09 15 MR. HARRIS: Glenn Harris joins.

10:19:09 16 MR. DICKERSON: La Mirada joins.

10:19:14 17 THE WITNESS: What do I do?

10:19:14 18 BY MR. ROMINE:

10:19:14 19 Q. Go ahead. You can answer.

10:19:20 20 A. Like the plastic tubes that -- at  
10:19:25 21 that time, I believe, they -- today I'm a  
10:19:28 22 carpenter now, so -- but mostly like paper  
10:19:31 23 tubes that had aluminum and like a rubber end  
10:19:35 24 to it.

10:19:36 25 MR. COUGHLIN: Move to strike.

10:19:37 1 BY MR. ROMINE:

10:19:37 2 Q. And what was the -- what was in  
10:19:43 3 these tubes?

10:19:44 4 MR. COUGHLIN: Objection. Form.  
10:19:46 5 Leading.

10:19:49 6 MR. DICKERSON: Objection.

10:19:49 7 THE WITNESS: I really don't remember  
10:19:50 8 actually the product, because I wasn't a carpenter  
10:19:53 9 at that time, but, you know, I think what really  
10:19:57 10 strikes me is because the driver told me they  
10:20:01 11 had -- I was -- my interest in carpentry was just  
10:20:04 12 now building up and we were talking and they  
10:20:08 13 said -- he said they had a display over by the  
10:20:10 14 base where they had a bunch of windows that had  
10:20:13 15 been old glazing cans, had metal glazing cans  
10:20:17 16 where they had glazed windows and stuff and tested  
10:20:20 17 the visibility -- durability of being in weather,  
10:20:24 18 and I thought that was pretty neat, so I drove  
10:20:26 19 over there one day to look at it.

10:20:28 20 MR. COUGHLIN: Move to strike.

10:20:30 21 BY MR. ROMINE:

10:20:30 22 Q. So you're saying that the waste  
10:20:32 23 was -- some of the waste was these caulking  
10:20:34 24 tubes?

10:20:34 25 A. Um-hum.



10:20:34 1 Q. Yes?

10:20:34 2 MR. COUGHLIN: Objection to form.

10:20:34 3 THE WITNESS: Yes.

10:20:34 4 MR. COUGHLIN: Move to strike.

10:20:34 5 BY MR. ROMINE:

10:20:39 6 Q. And some of them were the glazing  
10:20:40 7 cans?

10:20:40 8 A. Yes.

9 Q. Okay. And --

10 MR. COUGHLIN: Objection. Form.  
11 Move to strike.

12 (Thereupon, the court reporter  
13 interrupted the proceedings.)

14 BY MR. ROMINE:

15 Q. And --

10:20:50 16 MR. HARRIS: Can we -- can we, to  
10:20:50 17 make this -- wait, hold on second. Could we, for  
10:20:53 18 movement purposes, just have me join in on all of  
10:20:55 19 Mr. Coughlin's objections so I don't have to do it  
10:20:55 20 every time?

10:20:55 21 MR. DICKERSON: Same for La Mirada  
10:21:00 22 Products.

10:21:00 23 MR. COUGHLIN: That's okay with me.

10:21:01 24 BY MR. ROMINE:

10:21:01 25 Q. And what was in the glazing cans?

10:21:06 1 MR. COUGHLIN: Objection. Form.

10:21:09 2 THE WITNESS: It was a gray  
10:21:10 3 substance, like putty. It had oil on the top of  
10:21:16 4 it, like kind of gooey.

10:21:20 5 MR. COUGHLIN: Move to strike.

10:21:20 6 BY MR. ROMINE:

10:21:22 7 Q. And what was -- what was the oil?  
10:21:24 8 Like how did that get there?

10:21:26 9 MR. COUGHLIN: Objection to form.

10:21:28 10 THE WITNESS: I think -- I really  
10:21:31 11 don't know, but my experience is that -- now that  
10:21:34 12 I'm in the business, is that the oils rise to the  
10:21:38 13 top because the other stuff is heavy.

10:21:41 14 MR. COUGHLIN: Move to strike.

10:21:42 15 BY MR. ROMINE:

10:21:43 16 Q. And where in this site were the --  
10:21:47 17 we're talking about the caulking tubes now.

10:21:48 18 A. Right.

10:21:49 19 Q. Where were those disposed of?

10:21:50 20 MR. COUGHLIN: Objection to form.

10:21:52 21 THE WITNESS: It came with card -- in  
10:21:53 22 cardboard boxes, a couple pallets of them. Then  
10:21:56 23 we'd take it -- we'd take it on the lower tier  
10:21:57 24 where we buried it, and then the wood debris we'd  
10:22:04 25 take up to the incinerator.

10:22:06 1 BY MR. ROMINE:

10:22:06 2 Q. Okay.

10:22:07 3 MR. COUGHLIN: Move to strike.

10:22:08 4 BY MR. ROMINE:

10:22:08 5 Q. So the caulking tubes were -- were  
10:22:12 6 buried in the -- in what you called the lower  
10:22:13 7 tier?

10:22:13 8 MR. COUGHLIN: Objection to form.

10:22:15 9 THE WITNESS: It wasn't the lower.  
10:22:16 10 It was the -- it was the second to the lowest.

10:22:16 11 BY MR. ROMINE:

10:22:17 12 Q. The second to the lowest tier?

10:22:18 13 A. The third tier.

10:22:18 14 Q. Okay. And you're saying --

10:22:20 15 MR. COUGHLIN: Move to strike.

10:22:20 16 (Thereupon, the court reporter  
10:22:20 17 interrupted the proceedings.)

10:22:31 18 BY MR. ROMINE:

10:22:31 19 Q. And --

10:22:33 20 MR. HAUGHEY: Excuse me. Mr.

10:22:33 21 Grillot, do you understand, please pause after he  
10:22:36 22 is done to see if there is an objection?

10:22:36 23 THE WITNESS: Sure.

10:22:38 24 MR. HAUGHEY: Then if there isn't

10:22:41 25 one, go ahead and answer. That way she can get it

10:22:42 1 all down without trying to figure out who's saying  
10:22:47 2 what.

10:22:47 3 THE WITNESS: Sure.

10:22:47 4 MR. HAUGHEY: Okay. Thank you.

10:22:47 5 BY MR. ROMINE:

10:22:47 6 Q. So if I understand you correctly,  
10:22:52 7 DAP waste came in, including pallets and  
10:22:57 8 crates, if I'm understanding you correctly?

10:22:58 9 A. Yes.

10:22:58 10 MR. COUGHLIN: Objection to form.  
10:23:03 11 What was the answer? I didn't hear it.

10:23:05 12 THE COURT REPORTER: Yes.

10:23:05 13 MR. COUGHLIN: Move to strike.

10:23:07 14 BY MR. ROMINE:

10:23:07 15 Q. And the crates and the pallets  
10:23:11 16 went to the incinerator?

10:23:12 17 MR. COUGHLIN: Objection to form.

10:23:14 18 THE WITNESS: Did I wait long enough?  
10:23:16 19 Okay. Yes.

10:23:16 20 MR. COUGHLIN: Move to strike.

10:23:18 21 BY MR. ROMINE:

10:23:18 22 Q. And the caulking went to the --  
10:23:22 23 the second to the lowest tier?

10:23:23 24 MR. COUGHLIN: Objection to form.

10:23:25 25 THE WITNESS: Third -- third to the

10:23:27 1 lowest tier.

10:23:28 2 BY MR. ROMINE:

10:23:29 3 Q. Okay. Third to the lowest, second  
10:23:30 4 from the top?

10:23:31 5 MR. COUGHLIN: Same objection.

10:23:32 6 THE WITNESS: Yeah. Let's see.  
10:23:34 7 Yeah.

10:23:35 8 MR. COUGHLIN: Move to strike.

10:23:35 9 BY MR. ROMINE:

10:23:36 10 Q. And then the glazing cans, where  
10:23:40 11 were the glazing cans disposed of?

10:23:41 12 MR. COUGHLIN: Objection to form.

10:23:43 13 THE WITNESS: The third tier.

10:23:43 14 BY MR. ROMINE:

10:23:43 15 Q. Also in the third tier or was  
10:23:46 16 it -- or is that a different tier? Go ahead.  
10:23:48 17 Or, I'm sorry, wait for the objection.

10:23:48 18 MR. COUGHLIN: Objection to form.

10:23:53 19 THE WITNESS: You ready? What was  
10:23:54 20 the question again? I'm sorry.

10:23:54 21 BY MR. ROMINE:

10:23:55 22 Q. That's okay. Where were the  
10:23:57 23 glazing cans disposed of?

10:24:00 24 MR. COUGHLIN: Same objection.

10:24:01 25 THE WITNESS: Third tier.

10:24:02 1 MR. COUGHLIN: Move to strike.

10:24:02 2 BY MR. ROMINE:

10:24:02 3 Q. Was that different from the  
10:24:03 4 caulking tubes?

10:24:04 5 A. No.

10:24:04 6 MR. COUGHLIN: Same objection. Move  
10:24:06 7 to strike.

10:24:06 8 BY MR. ROMINE:

10:24:06 9 Q. Same -- same place?

10:24:14 10 MR. COUGHLIN: Same objection.

10:24:16 11 THE WITNESS: I'm -- I'm confused, so  
10:24:16 12 I --

10:24:16 13 BY MR. ROMINE:

10:24:17 14 Q. That's okay. I'm confused, too.  
10:24:19 15 We'll just try and take it slowly so that  
10:24:19 16 everybody gets their chance to be heard.

10:24:22 17 THE WITNESS: Well, if I look at you,  
10:24:23 18 could you -- could you nod for me that -- that  
10:24:25 19 you're ready?

10:24:25 20 THE COURT REPORTER: No.

10:24:25 21 THE WITNESS: Okay. Don't -- I'll  
10:24:26 22 try and figure it out. Okay. Next question,  
10:24:26 23 please.

10:24:26 24 BY MR. ROMINE:

10:24:33 25 Q. The next question is, where were

10:24:36 1 the glazing cans disposed of?

10:24:39 2 MR. COUGHLIN: Objection to form.

10:24:41 3 BY MR. ROMINE:

10:24:41 4 Q. Go ahead.

10:24:41 5 A. The -- with the other debris on  
10:24:45 6 the third tier.

10:24:45 7 Q. Okay.

10:24:46 8 MR. COUGHLIN: Move to strike.

10:24:47 9 BY MR. ROMINE:

10:24:47 10 Q. With the caulking tubes?

10:24:49 11 A. Yes.

10:24:50 12 Q. Okay.

10:24:50 13 MR. COUGHLIN: Same objection. Same  
10:24:52 14 motion to strike.

10:24:52 15 BY MR. ROMINE:

10:24:52 16 Q. Other than the caulking tubes, the  
10:24:58 17 glazing cans, the pallets, was there other  
10:25:03 18 waste from DAP that came to South Dayton Dump?

10:25:05 19 MR. COUGHLIN: Objection to form.

10:25:09 20 THE WITNESS: Not to my recollection.

10:25:11 21 BY MR. ROMINE:

10:25:11 22 Q. And when do you first remember  
10:25:15 23 waste from DAP coming to South Dayton Dump?

10:25:17 24 MR. COUGHLIN: Objection to form.

10:25:24 25 THE WITNESS: In the '70s -- or '60s

10:25:26 1 mostly.

10:25:27 2 MR. COUGHLIN: Move to strike.

10:25:29 3 BY MR. ROMINE:

10:25:29 4 Q. Okay. And did waste from DAP come  
10:25:29 5 to the site throughout its operation?

10:25:34 6 MR. COUGHLIN: Objection to form.

10:25:38 7 THE WITNESS: Now I forgot the  
10:25:39 8 question.

10:25:39 9 BY MR. ROMINE:

10:25:39 10 Q. Did waste come from DAP throughout  
10:25:43 11 the time that the site was operating?

10:25:43 12 A. Yes.

10:25:44 13 MR. COUGHLIN: Same objection. Move  
10:25:47 14 to strike.

10:25:47 15 BY MR. ROMINE:

10:25:47 16 Q. And did the waste from DAP come in  
10:25:50 17 DAP's own trucks or was it hauled by somebody  
10:25:53 18 else?

10:25:53 19 MR. COUGHLIN: Objection to form.

10:25:55 20 THE WITNESS: I don't remember.

10:25:55 21 BY MR. ROMINE:

10:25:56 22 Q. Okay. How frequently did you see  
10:26:00 23 DAP waste at South Dayton Dump?

10:26:05 24 A. I'm really having a hard time  
10:26:08 25 thinking right now because I feel tension, a



10:26:10 1 lot of tension.

10:26:10 2 Q. No problem. The tension is  
10:26:12 3 between me and the other lawyers, it's not  
10:26:14 4 really for you.

10:26:14 5 A. Well, it's building on me, so --

10:26:16 6 Q. Okay. All right.

10:26:19 7 A. I don't remember the question  
10:26:21 8 again, so --

10:26:21 9 Q. That's okay. How frequently did  
10:26:24 10 you see DAP waste come to the South Dayton  
10:26:24 11 Dump?

10:26:27 12 MR. COUGHLIN: Same objection.

10:26:28 13 THE WITNESS: Maybe once a month, if  
10:26:31 14 that.

10:26:31 15 MR. COUGHLIN: Move to strike.

10:26:34 16 MR. ROMINE: All right. Let's take a  
10:26:36 17 ten minute break.

10:26:37 18 THE WITNESS: Thanks.

10:26:37 19 (Pause in proceedings.)

10:37:08 20 MR. ROMINE: Okay. We're going to go  
10:37:09 21 back on the record.

10:37:09 22 BY MR. ROMINE:

10:37:10 23 Q. So I'm going to move on now,  
10:37:13 24 different subject, and ask you --

10:37:15 25 MR. COUGHLIN: I'm sorry, are we back

10:37:16 1 on?

10:37:17 2 MR. ROMINE: Yes.

10:37:17 3 BY MR. ROMINE:

10:37:17 4 Q. Have you ever heard of a company  
10:37:19 5 called Dayton Industrial Drum?

10:37:21 6 A. Yes.

10:37:21 7 Q. Okay. And was Dayton Industrial  
10:37:24 8 Drum a customer of the South Dayton Dump?

10:37:25 9 A. Yes.

10:37:26 10 Q. All right. And what kind of waste  
10:37:29 11 did Dayton Industrial Drum bring to the site?

10:37:32 12 A. Well, what the name says, drums,  
10:37:34 13 55-gallon steel drums.

10:37:37 14 Q. And what happened to those drums  
10:37:39 15 when they came to the dump?

10:37:41 16 A. It depended on how much liquid was  
10:37:43 17 in it, but if full, we dropped them down to the  
10:37:47 18 pit, to the very last tier that I was telling  
10:37:51 19 you about, and then we'd go down and unscrew  
10:37:53 20 the cap, and whatever was in it, we'd empty it  
10:37:57 21 and then take them up to the top to get them  
10:37:59 22 ready for the next thing that we did to them.

10:38:03 23 Q. So what happened to the empty  
10:38:06 24 drums?

10:38:07 25 A. Well, I had to take a coal chisel

10:38:11 1 and -- and tap all the way around the top, cut  
10:38:15 2 the lid off, and then we would take and put  
10:38:18 3 them off to the side, and then various  
10:38:23 4 companies would buy them.

10:38:25 5 Mostly like construction places  
10:38:30 6 and stuff, and they'd put them along the  
10:38:32 7 highway, which now we have the plastic ones. A  
10:38:37 8 lot of them -- people got them for trash and --  
10:38:39 9 and so on and so forth.

10:38:40 10 Q. Okay. Did most of the drums have  
10:38:46 11 some kind of liquid or something inside them  
10:38:48 12 when they came to your -- to the South Dayton  
10:38:51 13 Dump or were most of them empty?

10:38:53 14 A. I'm a -- the drum company mainly,  
10:39:02 15 I think -- if I'm not mistaken, they had  
10:39:06 16 another site in Beavercreek, and so I guess  
10:39:11 17 what -- at that time, I guess there was a --  
10:39:15 18 within areas they had -- like they just had a  
10:39:20 19 creek going through it. Now, whether they got  
10:39:22 20 dumped there or whether they had to bring them  
10:39:24 21 over to us, because they knew they could dump  
10:39:27 22 it over there, so --

10:39:29 23 Q. So would you say most of them were  
10:39:33 24 empty or most of them had stuff in them when  
10:39:35 25 they came to the South Dayton Dump?

10:39:35 1 A. It was more -- had -- had more --  
10:39:38 2 if not, maybe a third of it at least pretty  
10:39:41 3 full.

10:39:42 4 Q. Okay. So most of them did have  
10:39:44 5 some contents in the drum when they came to  
10:39:46 6 your site?

10:39:46 7 A. Right.

10:39:46 8 Q. Yes?

10:39:48 9 A. Yes.

10:39:48 10 Q. Okay. When you were here with Mr.  
10:39:55 11 Silver, with Larry Silver, you had mentioned a  
10:39:58 12 company called the Barrel Factory?

10:40:00 13 A. Yeah, that was the Beavercreek  
10:40:02 14 location.

10:40:02 15 Q. So in your mind, the Barrel  
10:40:04 16 Factory and Dayton Industrial Drum are the same  
10:40:07 17 company?

10:40:07 18 MR. PIERCE: Objection. Dayton  
10:40:07 19 Industrial Drum.

10:40:09 20 THE WITNESS: From my recollection,  
10:40:10 21 yes.

10:40:10 22 BY MR. ROMINE:

10:40:10 23 Q. Okay. And how frequently did  
10:40:13 24 drums come from Dayton Industrial Drum to the  
10:40:16 25 dump?

10:40:17 1 A. Well, other companies brought  
10:40:20 2 them, too. Frigidaire. Oh, a lot of like tool  
10:40:30 3 and die places had like recyclable shave --  
10:40:35 4 metal shavings in it, but how frequently?  
10:40:43 5 Every day some came.

10:40:45 6 Q. Okay. I want to focus now  
10:40:46 7 specifically on Dayton Industrial Drum and not  
10:40:50 8 drums from Frigidaire or other places.

10:40:52 9 A. Okay.

10:40:52 10 Q. If you could focus on that, do you  
10:40:55 11 remember how frequently they came to South  
10:40:58 12 Dayton Dump?

10:40:58 13 A. Probably every -- maybe every  
10:41:00 14 other day, if not once a week.

10:41:03 15 Q. And did Dayton Industrial Drum  
10:41:08 16 have its own truck?

10:41:10 17 A. Yes.

10:41:11 18 Q. And what did that truck look like?

10:41:15 19 A. Kind of had -- it was white --  
10:41:18 20 white with like black railings around it and  
10:41:22 21 they were all sitting on that and then they'd  
10:41:25 22 throw them off.

10:41:26 23 Q. Do you remember any of the --  
10:41:27 24 either the drivers or the workers?

10:41:29 25 A. No, I do not.

10:41:30 1 Q. Okay. Did it have any logo on it,  
10:41:34 2 either Dayton Industrial Drum or Barrel  
10:41:34 3 Factory?

10:41:37 4 A. I don't think so.

10:41:37 5 Q. And what -- when did this start?  
10:41:41 6 Like how old were you when you first noticed  
10:41:44 7 this Dayton Industrial Drum or Barrel Factory?

10:41:47 8 A. I took more notice when I  
10:41:48 9 started -- Alcine had -- after I worked at  
10:41:51 10 Powell Road, he had me come to his house one  
10:41:55 11 evening and he said he'd give me double what  
10:41:59 12 Larry Brandon was giving me if I'd run the  
10:42:01 13 dozer for him.

10:42:02 14 So that summer, you know, it  
10:42:05 15 really stuck, because they're -- when they're  
10:42:08 16 full and you're trying to push them through fly  
10:42:11 17 ash and -- it was really hard to get them that  
10:42:13 18 close enough to the pit that we could drain  
10:42:14 19 them, so it was -- that's what -- but I'm  
10:42:18 20 almost positive it came before me.

10:42:19 21 Q. But when you first noticed them  
10:42:21 22 was when you first ran the bulldozer for -- for  
10:42:25 23 your Uncle Alcine?

10:42:27 24 A. Well, I -- probably 12, 13 is when  
10:42:33 25 I started. He'd give me a quarter a drum for

10:42:36 1 beating the paint off, so I tried to get as  
10:42:39 2 many as I could to get a considerable amount of  
10:42:42 3 money at the end of the day, you know, so  
10:42:44 4 that's when I remember, but I don't remember  
10:42:46 5 the company, I didn't pay attention.

10:42:46 6 Q. Right.

10:42:49 7 A. Sometimes I'd get bored and stop,  
10:42:51 8 and they had like little paper inserts and had  
10:42:54 9 the name of what was in it or -- and where it  
10:42:57 10 came from, but I don't remember.

10:42:59 11 Q. Okay. Just so I understand what  
10:43:01 12 you're saying, when you were 12 or 13, you did  
10:43:04 13 like take the tops off the drums?

10:43:05 14 A. Right.

10:43:06 15 Q. But at that time, you don't  
10:43:07 16 remember the Dayton Industrial Drum company, if  
10:43:10 17 I'm understanding what you're saying?

10:43:11 18 A. Right.

10:43:12 19 Q. It wasn't until you started  
10:43:13 20 working the bulldozer that you -- the name  
10:43:16 21 Dayton Industrial Drum clicked in your mind as  
10:43:18 22 where the drums -- or as having been sent from  
10:43:18 23 Dayton Industrial Drum?

10:43:22 24 A. Right.

10:43:22 25 Q. Okay. I'm going to move on now.

10:43:27 1 A. Okay.

10:43:27 2 Q. Dayton School Board. Was Dayton  
10:43:31 3 School Board a customer of South Dayton Dump?

10:43:32 4 A. Yes.

10:43:33 5 Q. Okay. And what kind of waste did  
10:43:36 6 Dayton School Board bring to the dump?

10:43:38 7 A. It was mostly furniture, some  
10:43:42 8 pallets, some wood products, maybe doors,  
10:43:47 9 benches, stuff like that.

10:43:49 10 Q. And did they have their own trucks  
10:43:51 11 or was it hauled by somebody else?

10:43:53 12 A. I -- I don't know that.

10:43:54 13 Q. And you mentioned that it was a  
10:43:55 14 lot of wood and -- and desks and stuff.

10:44:00 15 A. Yes.

10:44:00 16 Q. Did everything from the school  
10:44:03 17 board go in the incinerator?

10:44:03 18 A. No.

10:44:11 19 MR. RUDLOFF: Object to the form.

10:44:12 20 BY MR. ROMINE:

10:44:12 21 Q. Okay. What -- so, okay. Let me  
10:44:14 22 ask it this way: Did some of the stuff from  
10:44:16 23 Dayton School Board go in the incinerator?

10:44:18 24 MR. RUDLOFF: Objection to form.

10:44:21 25 THE WITNESS: Yes, some of it.



10:44:25 1 MR. RUDLOFF: Move to strike.

10:44:26 2 BY MR. ROMINE:

10:44:26 3 Q. And what waste from the Dayton  
10:44:28 4 School Board went into the incinerator?

10:44:30 5 A. Well, the pallets. We weren't  
10:44:33 6 allowed to put the doors in because they would  
10:44:35 7 have handles and hinges on them, so we had to  
10:44:38 8 either take that off and throw them in there or  
10:44:40 9 take it down to the third pier where the  
10:44:42 10 trash and the other garbage went.

10:44:45 11 Q. Okay. So it sounds like what  
10:44:49 12 you're saying is if a door came in from the  
10:44:51 13 Dayton School Board, you would either throw it  
10:44:54 14 as is into the third tier --

10:44:58 15 A. (Nodding head up and down.)

10:44:58 16 Q. Yes?

10:44:58 17 A. Yes.

10:45:00 18 Q. -- or you would take the knob and  
10:45:02 19 the hinges off and that would be in a form that  
10:45:04 20 you could put in the incinerator?

10:45:05 21 A. Correct.

10:45:05 22 Q. Is there any waste from the Dayton  
10:45:09 23 School Board that you remember coming to the  
10:45:11 24 South Dayton Dump that you haven't just told me  
10:45:13 25 about?

10:45:16 1 A. Sometimes they'd have bags of just  
10:45:22 2 paper debris, you know, but not very often.

10:45:26 3 Q. Okay. And how would that be  
10:45:28 4 disposed of?

10:45:29 5 A. Down to the third tier.

10:45:31 6 Q. Again, when do you first remember  
10:45:37 7 waste coming to the South Dayton Dump from the  
10:45:39 8 School Board?

10:45:40 9 A. Actually, I was pretty young,  
10:45:43 10 because all my cousins and relatives, we all  
10:45:47 11 got desks that we took home, and so we thought  
10:45:51 12 it was pretty cool we had our own desk at home,  
10:45:54 13 and from what I remember, it had like -- I  
10:45:56 14 think like a little metal thing on a leg or on  
10:45:59 15 the desk itself that said Dayton School Board.

10:46:03 16 Q. Okay. And did the waste from the  
10:46:07 17 Dayton School Board come throughout the time  
10:46:09 18 that the dump was in operation?

10:46:12 19 MR. RUDLOFF: Objection to form.

10:46:13 20 THE WITNESS: The question again?

10:46:14 21 BY MR. ROMINE:

10:46:14 22 Q. Sure. Did the waste from the  
10:46:17 23 Dayton School Board come throughout the time  
10:46:19 24 that the dump was operating or did it end?

10:46:22 25 MR. RUDLOFF: Same objection.

10:46:22 1 THE WITNESS: I don't know the latter  
10:46:25 2 part, but during the '60s.

10:46:26 3 BY MR. ROMINE:

10:46:26 4 Q. Okay. Do you remember --

10:46:27 5 A. But they didn't come that often.

10:46:29 6 I mean, maybe twice a summer maybe, you know.

10:46:34 7 Q. Okay. It was usually during the  
10:46:37 8 summer?

10:46:38 9 A. Mostly.

10:46:41 10 Q. Were there -- was there waste from  
10:46:43 11 other towns or cities, school boards other than  
10:46:47 12 the Dayton School Board?

10:46:53 13 A. I don't know.

10:46:56 14 Q. Moving on now, a different topic.

10:46:59 15 MR. HARBECK: I'm sorry, I didn't  
10:47:00 16 hear his answer.

10:47:00 17 THE WITNESS: I don't know.

10:47:00 18 MR. HARBECK: Okay. Thank you.

10:47:04 19 BY MR. ROMINE:

10:47:04 20 Q. Duriron Corporation, are you  
10:47:06 21 familiar with that name?

10:47:07 22 A. Yes.

10:47:07 23 Q. Was Duriron Corporation a customer  
10:47:11 24 of the South Dayton Dump?

10:47:11 25 A. Oh, yeah.

10:47:12 1 Q. And what kind of waste did Duriron  
10:47:15 2 Corporation bring?

10:47:17 3 A. A lot of -- like I -- like I  
10:47:20 4 mentioned with Larry, they came with hot loads.  
10:47:25 5 They had one -- like I mentioned before, it  
10:47:28 6 looked like the Apollo spacecraft, it was in a  
10:47:32 7 cone shape upsidedown, and they would come in  
10:47:35 8 steaming, even in the summertime you could  
10:47:37 9 almost -- you could feel the heat come in, and  
10:47:40 10 we'd -- it would have steel things sticking out  
10:47:44 11 of it, so we had to take them down to the pit  
10:47:48 12 and we dumped them in there, because the liquid  
10:47:52 13 that was in the pit would cool them off pretty  
10:47:55 14 quick, because we'd have a lot of hot spots  
10:47:58 15 that might catch on fire, so we had to be real  
10:48:01 16 careful it didn't catch some of the liquids  
10:48:04 17 that were flammable, so -- but sometimes it  
10:48:05 18 would and it would catch the whole pit on fire,  
10:48:09 19 so -- and then that's mainly what I remember,  
10:48:13 20 but they -- other things, they'd come on the  
10:48:17 21 same type of truck, but it was a Dumpster and  
10:48:20 22 it had a lot of liquid in it and it would  
10:48:23 23 splash all over, even coming down the street  
10:48:25 24 and into the entrance of the dump in front of  
10:48:29 25 the office, and so it made quite a mess, so I

10:48:31 1 remember that.

10:48:31 2 Q. What kind of liquid was it?

10:48:34 3 A. It was a oily substance. I don't  
10:48:37 4 know.

10:48:37 5 Q. Going back to the first thing you  
10:48:38 6 mentioned, the hot material?

10:48:40 7 A. Um-hum.

10:48:41 8 Q. Yes?

10:48:41 9 A. Yes.

10:48:42 10 Q. How big was it?

10:48:45 11 A. Like I mentioned, it was pretty  
10:48:47 12 close to the --

10:48:47 13 Q. So it was almost what you --

10:48:48 14 A. -- capsule. Yeah, I mean, it was  
10:48:50 15 pretty huge.

10:48:51 16 Q. Okay. Like similar in size to  
10:48:53 17 what you would imagine the Apollo space capsule  
10:48:53 18 was like?

10:48:56 19 A. Well, I had been to Wright-Patt  
10:48:57 20 and I got in one of them, yeah.

10:48:59 21 Q. And how often did these hot things  
10:49:04 22 come from Duriron?

10:49:06 23 A. If not twice a day, maybe three  
10:49:09 24 times a day.

10:49:10 25 Q. All right. And how about -- you

10:49:12 1 mentioned there was also a liquid. Did the  
10:49:14 2 liquid come with the same frequency or was  
10:49:17 3 that --

10:49:17 4 A. They were about the same.

10:49:18 5 Q. And it was always put into the  
10:49:20 6 pit?

10:49:20 7 A. Right.

10:49:21 8 Q. Did they have their own trucks?

10:49:23 9 A. Yes. I don't know if they were  
10:49:27 10 leased or not, but I know they were pretty beat  
10:49:28 11 up and old looking and --

10:49:30 12 Q. I see. But the trucks, in your  
10:49:32 13 mind, were operated by Duriron?

10:49:36 14 MR. HAUGHEY: Objection. Leading.

10:49:37 15 THE WITNESS: Yes.

10:49:38 16 BY MR. ROMINE:

10:49:38 17 Q. Do you remember any of the  
10:49:39 18 drivers?

10:49:40 19 A. No.

10:49:41 20 Q. And when do you first remember the  
10:49:45 21 material coming from Duriron?

10:49:49 22 A. Again, in -- you got to understand  
10:49:52 23 being young, the dump was like Kings Island or  
10:49:57 24 a amusement park to us kids, because we'd go  
10:49:59 25 down there and play and throw these tubes at

10:50:03 1 light fixtures, and those things would still be  
10:50:05 2 hot and you could put something on it and it  
10:50:07 3 would smoke, and we thought it was cool by  
10:50:10 4 putting stuff on it, and so I was probably  
10:50:13 5 eight or nine maybe.

10:50:14 6 Q. I'm just asking you to do the best  
10:50:16 7 with your memory you can.

10:50:17 8 A. Yeah.

10:50:18 9 Q. I -- yeah. Okay. And did waste  
10:50:25 10 from Duriron come throughout the '60s and '70s?

10:50:29 11 MR. HAUGHEY: Objection. Leading.

10:50:32 12 THE WITNESS: Yes.

10:50:33 13 BY MR. ROMINE:

10:50:33 14 Q. Okay. Move on -- moving on now to  
10:50:39 15 Franklin Iron and Metal. Have you heard that  
10:50:42 16 name before?

10:50:42 17 A. Yes.

10:50:43 18 Q. And was Franklin Iron and Metal a  
10:50:45 19 customer of the South Dayton Dump?

10:50:46 20 A. Yes.

10:50:47 21 Q. And what kind of waste did  
10:50:48 22 Franklin Iron and Metal bring?

10:50:51 23 A. Well, mostly from Franklin, they  
10:50:53 24 came and picked up sometimes what my uncle --  
10:51:00 25 my second uncle that ran the office would break

10:51:03 1 up motors and stuff, get the copper and brass  
10:51:06 2 and all and put it in drums, and I remember  
10:51:08 3 sometimes they'd come to pick those up, but  
10:51:12 4 then they would drop some things off, and it  
10:51:17 5 was pallets, stuff like that, wood products.

10:51:19 6 Q. Was that Kenny?

10:51:19 7 A. Pardon me?

10:51:21 8 Q. Was that your Uncle Kenny?

10:51:22 9 A. Yeah. Uncle Kenny, yeah.

10:51:24 10 Q. Yeah. So Franklin Iron and Metal  
10:51:27 11 came and they actually picked up stuff from the  
10:51:29 12 dump?

10:51:30 13 A. Right.

10:51:30 14 Q. Then used it for whatever they  
10:51:30 15 used it for?

10:51:33 16 A. Well, if we had -- from General  
10:51:39 17 Motors and Delco Products and stuff like that,  
10:51:41 18 they'd bring whole truckloads of -- I think  
10:51:45 19 they were called brakes -- brake things that  
10:51:47 20 you put your liquid in to stop a car, and  
10:51:50 21 they'd come, big truckloads of them.

10:51:52 22 So I had to take the rubber caps  
10:51:55 23 off of them and throw them into the -- a  
10:52:00 24 canister, a container, like I told you, the --  
10:52:06 25 Ed Aldridge built, and fill it up and then



10:52:08 1 they'd come and take -- I'm pretty sure they  
10:52:11 2 were their containers.

10:52:12 3 Q. Okay. And going back to the waste  
10:52:14 4 that Franklin Iron and Metal brought to the  
10:52:17 5 site, you said it was pallets?

10:52:18 6 A. Mostly, like pallets, broken up  
10:52:21 7 drums, you know, of that nature.

10:52:25 8 Q. Did the pallets go into the  
10:52:28 9 incinerator?

10:52:28 10 A. Yes.

10:52:29 11 Q. How about the drums?

10:52:31 12 A. Most of theirs weren't usable  
10:52:34 13 because they were pretty crushed up, so we'd  
10:52:37 14 just take them down to the third tier and dump  
10:52:40 15 them with the other stuff.

10:52:41 16 Q. And, again, going back, do you  
10:52:43 17 remember the first time you saw Franklin Iron  
10:52:46 18 and Metal bring waste to the site or to the  
10:52:48 19 dump?

10:52:51 20 A. You want to know an age or --

10:52:54 21 Q. Either age or a year.

10:52:55 22 A. Middle '60s.

10:52:56 23 Q. Middle '60s. Okay. And how long  
10:52:58 24 did that continue?

10:53:01 25 A. Throughout the time that I worked

10:53:02 1 on the dump or was going down to get -- you  
10:53:06 2 know, we'd go down, as we were younger, to pick  
10:53:11 3 stuff up, fans.

10:53:11 4 I was into like electronic stuff,  
10:53:14 5 so I'd pick up radios and TVs and take them  
10:53:17 6 home and take the tubes and make the TVs work,  
10:53:19 7 and so I'd see the trucks come in when I was  
10:53:22 8 down there sorting through the trash piles and  
10:53:25 9 stuff, so --

10:53:25 10 Q. Okay. So would you say throughout  
10:53:28 11 the '60s and '70s?

10:53:29 12 A. Um-hum.

10:53:30 13 Q. Yes?

10:53:30 14 A. Yes.

10:53:31 15 Q. Okay. And how frequently -- not  
10:53:35 16 picking up, but bringing waste in, how  
10:53:38 17 frequently did Franklin Iron and Metal do that?

10:53:41 18 A. Once a month maybe.

10:53:42 19 Q. Okay.

10:53:44 20 MR. COUGHLIN: I'm sorry, I did not  
10:53:44 21 hear. What was the answer?

10:53:44 22 THE COURT REPORTER: Once a month  
10:53:44 23 maybe.

10:53:44 24 BY MR. ROMINE:

10:53:51 25 Q. All right. Another customer -- or

10:53:53 1 excuse me. Another company I'm going to ask  
10:53:55 2 you about, Harris Seybold, do you remember that  
10:53:58 3 name?

10:53:59 4 A. Please?

10:54:00 5 Q. Harris Seybold?

10:54:01 6 A. No, I don't.

10:54:02 7 Q. Okay. Hewitt Soap Company?

10:54:06 8 A. Yes.

10:54:07 9 Q. Okay. Was Hewitt Soap Company a  
10:54:10 10 customer of the South Dayton Dump?

10:54:12 11 A. Yeah.

10:54:13 12 Q. And what kind of waste did Hewitt  
10:54:16 13 Soap Company bring to the site?

10:54:17 14 A. Containers that had soap, liquid  
10:54:23 15 in it, to the things that you pull like towels  
10:54:31 16 down out of, but mostly soap products, because  
10:54:37 17 we took them home and used them, so it was a --  
10:54:39 18 you know, hope they weren't bad, but --

10:54:43 19 Q. Right. And did they bring their  
10:54:46 20 own -- did they have their own trucks?

10:54:48 21 A. That, I don't know.

10:54:50 22 Q. Okay. And how often did you see  
10:54:53 23 waste come from the Hewitt Soap Company to the  
10:54:55 24 South Dayton Dump?

10:54:56 25 A. Then, again, probably once a

10:55:00 1 month. It wasn't very often.

10:55:02 2 Q. So you mentioned the soap?

10:55:05 3 A. Yeah.

10:55:05 4 Q. And what kind of container did the  
10:55:09 5 soap come in?

10:55:12 6 A. It looked like gallon cans that  
10:55:14 7 had the thing you push down on it, soap bars,  
10:55:18 8 and plus the liquid. We had a lot of different  
10:55:23 9 types of fancy soap bars and stuff.

10:55:29 10 Q. Did you bring that stuff home with  
10:55:32 11 you all the time or was there some soap left at  
10:55:35 12 the South Dayton Dump?

10:55:37 13 A. Well, you can only bring home so  
10:55:40 14 much, so -- there was quite a bit of it, you  
10:55:40 15 know.

10:55:42 16 Q. So there was some soap left at the  
10:55:45 17 South Dayton Dump --

10:55:46 18 A. Yes.

10:55:46 19 Q. -- for disposal?

10:55:46 20 A. Yes.

10:55:47 21 Q. And where did that go?

10:55:49 22 MR. VAN KLEY: Objection to form.

10:55:54 23 Objection to form. This is Jack Van Kley.

10:55:55 24 BY MR. ROMINE:

10:55:55 25 Q. So there was some soap left at the

10:55:58 1 site for disposal?

10:55:59 2 A. Yes.

10:56:00 3 Q. How about the containers of the  
10:56:06 4 soap, you mentioned there was like a gallon  
10:56:09 5 container.

10:56:09 6 A. Right.

10:56:09 7 Q. Did those sometimes get left at  
10:56:09 8 the dump?

10:56:14 9 A. Yeah, we'd put them on the third  
10:56:15 10 tier, because after a while, you just got tired  
10:56:18 11 of messing with them, you know, so --

10:56:19 12 Q. Okay. And you mentioned there  
10:56:22 13 were towel dispensers?

10:56:22 14 A. Right.

10:56:23 15 Q. Were those paper towel dispensers  
10:56:25 16 or the cloth towel dispensers?

10:56:27 17 A. There weren't many -- there  
10:56:29 18 weren't very many of them, but -- and I do  
10:56:31 19 remember, I think they were the cloth type.

10:56:33 20 Q. Yeah. And where did those get  
10:56:35 21 disposed of?

10:56:35 22 A. In the pile we had for metal that  
10:56:41 23 Franklin Iron and Steel would pick up.

10:56:42 24 Q. Okay. So Franklin Iron and Steel  
10:56:43 25 picked up the metal --

10:56:45 1 A. Right.

10:56:45 2 Q. -- dispensers?

10:56:46 3 A. Um-hum.

10:56:47 4 Q. Were there any dispensers that  
10:56:48 5 were left on -- at the dump that Franklin Iron  
10:56:51 6 and Metal didn't pick up?

10:56:52 7 A. Well, on the second tier, we put  
10:56:55 8 material that could be burned. They would go  
10:57:00 9 along on the edge of the tier until it got real  
10:57:06 10 high, and then Uncle Alcine would come light it  
10:57:13 11 and burn everything, so -- and they would go  
10:57:14 12 back with mag -- they had a big crane with  
10:57:17 13 magnets and they'd pick the stuff up and then  
10:57:19 14 put it on Franklin's trucks.

10:57:20 15 Q. Okay.

10:57:21 16 A. Then when we started getting more  
10:57:24 17 Dumpsters -- we had a Dumpster set from Larry  
10:57:27 18 alongside at the bottom, that way we could just  
10:57:31 19 toss -- toss stuff in, so --

10:57:32 20 Q. So at some point you're saying  
10:57:35 21 Larry -- is Larry Brandon?

10:57:36 22 A. Yes.

10:57:36 23 Q. So at some point, Larry Brandon  
10:57:40 24 put a Dumpster at the site and --

10:57:40 25 A. Right.

10:57:42 1 Q. -- and the purpose for that was to  
10:57:44 2 collect metal?

10:57:50 3 MR. HARBECK: Object to the form.

10:57:51 4 THE WITNESS: Yes.

10:57:51 5 BY MR. ROMINE:

10:57:51 6 Q. When was that?

10:57:54 7 A. Pardon me?

10:57:55 8 Q. When was that? When did Larry  
10:57:58 9 Brandon put the Dumpster in for the metal?

10:58:00 10 MR. HARBECK: Same objection.

10:58:01 11 THE WITNESS: Well, their operation,  
10:58:03 12 I think, started in the '60s, so I -- I think it  
10:58:09 13 was mid '60s.

10:58:11 14 BY MR. ROMINE:

10:58:12 15 Q. Okay. How you doing?

10:58:16 16 A. Good.

10:58:17 17 Q. Okay. Moving on now.

10:58:23 18 Kimberly-Clark Corporation, do you remember  
10:58:24 19 that name?

10:58:29 20 A. I know it, but I don't know how  
10:58:33 21 right now.

10:58:33 22 Q. Okay. Do you remember, was  
10:58:40 23 Kimberly-Clark a customer of the South Dayton  
10:58:45 24 Dump?

10:58:49 25 A. Honestly at this point, no.

10:58:53 1 Q. Moving on then. L.M. Berry and  
10:58:58 2 Company --

10:58:58 3 A. Yeah.

10:58:59 4 Q. -- was -- do you remember the L.M.  
10:58:59 5 Berry and Company?

10:59:03 6 A. Yes.

10:59:03 7 Q. And was L.M. Berry a customer of  
10:59:03 8 the site?

10:59:07 9 A. Yes.

10:59:07 10 Q. A customer of the dump? Excuse  
10:59:09 11 me. And what waste did L.M. Berry bring to the  
10:59:09 12 dump?

10:59:13 13 A. Lots of phone books.

10:59:14 14 Q. And how frequently did this  
10:59:16 15 happen?

10:59:18 16 A. Mostly in the spring, I remember.  
10:59:25 17 March, April, I think.

10:59:26 18 Q. Okay. So this was like an annual  
10:59:28 19 occurrence when the new phone books came out?

10:59:30 20 A. Yeah.

10:59:31 21 Q. The old phone books would be  
10:59:33 22 disposed of?

10:59:34 23 A. Yeah, and that's where Larry had  
10:59:37 24 taken the two old gentlemen and throwed them in  
10:59:39 25 that big thing.



10:59:41 1 Q. Okay. So when you're talking  
10:59:44 2 about the two old gentlemen, just so I'm  
10:59:46 3 remembering this correctly, at some point Larry  
10:59:52 4 Brandon started some kind of business that made  
10:59:56 5 like insulation out of waste paper?

10:59:58 6 A. Right, Dayton Fiber.

10:59:59 7 Q. Okay. Dayton Fiber. And one of  
11:00:02 8 the things that he used was the phone books  
11:00:04 9 from L.M. Berry and Company?

11:00:06 10 A. Yes, um-hum.

11:00:07 11 Q. Okay. Was there a time before  
11:00:11 12 Dayton Fiber got started when the phone books  
11:00:13 13 from L.M. Berry and Company would be disposed  
11:00:15 14 of at the site?

11:00:18 15 A. Yes.

11:00:18 16 Q. Okay. And where were they  
11:00:20 17 disposed of at the site?

11:00:22 18 A. In the second tier where the  
11:00:23 19 burnable --

11:00:25 20 Q. Okay. And -- and so it sounds  
11:00:28 21 like they were burned at some point?

11:00:30 22 A. Yeah.

11:00:31 23 Q. Okay. Any waste other than the  
11:00:33 24 phone books from L.M. Berry and Company?

11:00:36 25 A. Some skids, but mostly phone

11:00:40 1 books.

11:00:40 2 Q. And the skids were wood?

11:00:42 3 A. Yeah, um-hum.

11:00:43 4 Q. And were those burned in the  
11:00:46 5 incinerator?

11:00:47 6 A. Well, Larry had another friend of  
11:00:52 7 his, they started what was called Skid Row, and  
11:00:58 8 Dad gave them a part of the dump, and there  
11:01:01 9 were skids like 42 by 42. If they were in good  
11:01:05 10 shape, then they were put to be sent over to  
11:01:08 11 Skid Row.

11:01:08 12 And so a lot of places like L.M.  
11:01:14 13 Berry, Hewitt Soap, those weren't beat up very  
11:01:18 14 bad, so they would be sent over to Skid Row.

11:01:21 15 Q. I remember reading from what you  
11:01:23 16 had told Larry the last time, you did mention  
11:01:25 17 Skid Row before, so I'm not going to go into  
11:01:28 18 that in a whole lot of detail, but focusing now  
11:01:30 19 on L.M. Berry, they sent waste phone books,  
11:01:36 20 yes, and some skids?

11:01:36 21 A. Yeah.

11:01:37 22 Q. Okay. And some skids were  
11:01:40 23 repaired?

11:01:42 24 A. Yes, um-hum.

11:01:42 25 Q. But some skids were not repaired?

11:01:45 1 A. Well, either they were in good  
11:01:45 2 shape or they had to be repaired.

11:01:48 3 Q. Oh, okay. I see. So they were  
11:01:50 4 either -- they were all used again?

11:01:53 5 A. Well, at the beginning before Skid  
11:01:56 6 Row really got going, the bad ones would get  
11:02:00 7 thrown in the incinerator, and then he bought  
11:02:03 8 equipment, air compressors and some type of  
11:02:06 9 gun, and they would take them over there and  
11:02:07 10 repair them.

11:02:09 11 Q. So --

11:02:10 12 A. And that was kind of a relief  
11:02:12 13 because we didn't have to mess with them, you  
11:02:14 14 know, so --

11:02:15 15 Q. I see. So at some point towards  
11:02:16 16 the beginning, the -- the skids that couldn't  
11:02:19 17 be repaired would be put in the incinerator?

11:02:21 18 A. Yeah.

11:02:22 19 Q. But then at some point, was -- it  
11:02:28 20 was Larry would figure out a way to repair  
11:02:30 21 them?

11:02:30 22 A. Yeah.

11:02:30 23 Q. With Skid Row?

11:02:32 24 A. (Witness nodding head up and  
11:02:32 25 down.)

11:02:32 1 Q. And I'm sorry if I'm repeating  
11:02:34 2 myself, but when did Skid Row get started?

11:02:38 3 A. Very late '60s. Probably '69.

11:02:42 4 Q. Okay. Did L.M. Berry have their  
11:02:49 5 own truck or were they brought to the dump by  
11:02:51 6 somebody else?

11:02:52 7 A. I think they were white trucks,  
11:02:57 8 and I think there was a phone book and it  
11:03:00 9 said -- I don't think it said L.M. Berry, I  
11:03:03 10 can't -- it said something else.

11:03:04 11 Q. Okay. So how do you know --

11:03:09 12 A. I can't remember.

11:03:09 13 Q. -- it was L.M. Berry?

11:03:10 14 A. Pardon me?

11:03:10 15 Q. How do you know it was L.M. Berry  
11:03:13 16 that brought the phone books?

11:03:14 17 A. Well, through talk, you know,  
11:03:21 18 but --

11:03:22 19 MR. COLLIER: Objection. Move to  
11:03:22 20 strike.

11:03:24 21 THE WITNESS: -- then their operation  
11:03:24 22 wasn't very far away. It was on, I think,  
11:03:26 23 Kettering Boulevard, so we knew where the building  
11:03:29 24 was.

11:03:34 25 MR. COLLIER: Orla Collier on behalf

11:03:35 1 of L.M. Berry. Object to the question. Move to  
11:03:37 2 strike the answer.

11:03:38 3 BY MR. ROMINE:

11:03:38 4 Q. So you saw phone books come to the  
11:03:38 5 site?

11:03:43 6 A. Um-hum.

11:03:43 7 Q. Yes?

11:03:44 8 A. Yes.

11:03:44 9 Q. And the truck had some kind of  
11:03:49 10 Yellow Pages or phone book on the truck?

11:03:51 11 A. On the doors, yeah.

11:03:52 12 Q. But it didn't say L.M. Berry or  
11:03:55 13 did it?

11:03:55 14 A. I don't remember.

11:03:55 15 Q. Okay. But you had some kind of  
11:03:58 16 understanding that these waste phone books were  
11:04:01 17 from L.M. Berry?

11:04:01 18 A. Right.

11:04:01 19 MR. COLLIER: Object. Move to  
11:04:01 20 strike.

11:04:04 21 BY MR. ROMINE:

11:04:04 22 Q. And do you have any specific  
11:04:06 23 recollection as to where your understanding  
11:04:07 24 came from?

11:04:07 25 A. No.

11:04:09 1 Q. Do you remember any of the drivers  
11:04:14 2 of these trucks?

11:04:15 3 A. No.

11:04:15 4 Q. Okay. All right. We're going to  
11:04:22 5 move on now. I'm going to -- are you familiar  
11:04:26 6 with a company called Van Dyne-Crotty?

11:04:29 7 A. Yes.

11:04:30 8 Q. Was Van Dyne-Crotty a customer of  
11:04:32 9 the South Dayton Dump?

11:04:33 10 A. Yes.

11:04:34 11 Q. And what kind of waste came from  
11:04:36 12 the South Dayton Dump from Van Dyne-Crotty?

11:04:38 13 A. Uniforms. Those paper things. A  
11:04:47 14 lot of like paper dispensers. Sometime we'd  
11:04:51 15 get a case that had either got wet or damaged  
11:04:55 16 or something with the paper towels that were  
11:04:58 17 in -- inside the big boxes. Janitorial  
11:05:05 18 products.

11:05:08 19 Q. And one of the things you  
11:05:09 20 mentioned was paper things, and you went like  
11:05:12 21 this (indicating). Was that -- were those  
11:05:14 22 paper towel dispensers?

11:05:16 23 A. It was cloth, but the others  
11:05:17 24 were -- you know, they're like metal and they  
11:05:22 25 had the key thing and you'd lift it up and put

11:05:25 1 the paper in them.

11:05:26 2 Q. Okay. Specifically focusing now  
11:05:28 3 on Van Dyne-Crotty --

11:05:28 4 A. Right.

11:05:29 5 Q. -- were they the paper towel  
11:05:31 6 dispensers or the cloth dispensers or both?

11:05:34 7 A. Both.

11:05:34 8 Q. And these were metal?

11:05:37 9 A. Yeah.

11:05:38 10 Q. Okay. And what happened -- and  
11:05:42 11 when you say uniforms, these are like work  
11:05:45 12 uniforms?

11:05:45 13 A. Yes.

11:05:45 14 Q. All right. Focusing now on the  
11:05:48 15 work uniforms, where did that waste go, the  
11:05:52 16 uniforms?

11:05:55 17 A. Cloth material we normally took to  
11:05:58 18 the third or -- yeah, the third -- third  
11:06:01 19 tier --

11:06:01 20 Q. Okay.

11:06:01 21 A. -- with the other trash.

11:06:03 22 Q. Okay. And how about the paper?

11:06:08 23 A. We normally used them on the dump  
11:06:10 24 to wash our hands with and took them home to  
11:06:13 25 use them and --

11:06:14 1 Q. Okay. How about the towel  
11:06:17 2 dispensers?

11:06:19 3 A. They'd go in the burnable pile  
11:06:20 4 first, and then when Larry brought the  
11:06:22 5 container, we'd put them in there.

11:06:25 6 Q. Okay. Okay. You had mentioned  
11:06:29 7 when we were talking about Hewitt Soap that  
11:06:32 8 there were metal dispensers that at first were  
11:06:36 9 put in the burnable section of the dump.

11:06:39 10 A. Right.

11:06:39 11 Q. And then later on put in like a  
11:06:41 12 Dumpster for Franklin Iron and Metal.

11:06:43 13 A. Well, like I said, the crane would  
11:06:46 14 pick them up and put them on the truck.

11:06:47 15 Q. Okay. I see. Okay. It's the  
11:06:49 16 same --

11:06:50 17 A. Before the -- before the Dumpster  
11:06:51 18 came.

11:06:51 19 Q. Okay. I see. And the same -- the  
11:06:54 20 same kind of operation with the dispensers from  
11:06:57 21 Van Dyne-Crotty?

11:06:57 22 A. Um-hum.

11:06:58 23 Q. Yes?

11:06:58 24 A. Yes.

11:06:58 25 Q. Okay. Now, did Van Dyne-Crotty



11:07:02 1 have their own trucks or someone else brought  
11:07:05 2 their stuff?

11:07:06 3 A. They were panel vans, and I  
11:07:09 4 believe there was writing on it that said --  
11:07:11 5 I'm pretty sure. I'm not a hundred percent.

11:07:13 6 Q. Okay. But you have a memory of a  
11:07:15 7 panel van with the word Van Dyne-Crotty on it?

11:07:18 8 A. Yeah. Yes.

11:07:19 9 Q. Okay. And when did you --

11:07:23 10 MR. VAN KLEY: Objection. I'm going  
11:07:24 11 to object to that last question and move to strike  
11:07:31 12 for -- for form.

11:07:35 13 BY MR. ROMINE:

11:07:35 14 Q. And when do you first remember  
11:07:40 15 seeing waste from Van Dyne-Crotty, Inc. -- or,  
11:07:44 16 excuse me, just Van Dyne-Crotty?

11:07:45 17 A. I think it wasn't till maybe the  
11:07:49 18 '70s. I don't remember them in the '60s.

11:07:51 19 Q. Okay. We're going to move on now  
11:08:00 20 again. Ohio Bell, are you familiar with a  
11:08:05 21 company called Ohio Bell?

11:08:06 22 A. Yes.

11:08:06 23 Q. And were they a customer of the  
11:08:09 24 South Dayton Dump?

11:08:09 25 A. Yes.

11:08:10 1 Q. And what kind of waste came from  
11:08:13 2 Ohio Bell?

11:08:14 3 A. They brought either like trash  
11:08:18 4 cans or drums that had little itsy-bitsy things  
11:08:26 5 you put wire together, sleeves, like sleeve  
11:08:35 6 stuff. Sometimes things that -- they were  
11:08:39 7 rods, maybe 15, 16 feet long.

11:08:48 8 We got a few phones, but I don't  
11:08:50 9 remember -- you know, it wasn't very -- I don't  
11:08:52 10 know what -- that's about it. It wasn't a  
11:09:00 11 whole lot of stuff, so --

11:09:01 12 Q. Okay. When you say sleeves, what  
11:09:04 13 kind of sleeves, like for a wire?

11:09:05 14 A. Yeah, like plastic coating that  
11:09:08 15 came off of -- of wiring.

11:09:11 16 Q. Okay. And rods, what were the  
11:09:12 17 rods for?

11:09:15 18 A. It looked like later I noticed  
11:09:19 19 some in construction where they'd go up like a  
11:09:25 20 telephone pole and they had like a -- one part  
11:09:27 21 and it had a -- a U shape that would clamp onto  
11:09:33 22 it, and so --

11:09:34 23 Q. Were these so that the workers  
11:09:37 24 could climb the telephone pole or is that  
11:09:37 25 something different?

11:09:37 1 A. Not that I -- no, I don't --

11:09:42 2 MR. SLAUGHTER: Objection to form.

11:09:42 3 James Slaughter.

11:09:44 4 THE WITNESS: -- I don't think so.

11:09:44 5 MR. SLAUGHTER: Could the witness

11:09:44 6 speak up, too, please? Thank you.

11:09:44 7 THE WITNESS: Okay. No, I don't know

11:09:44 8 exactly what they were for, but I -- after --

11:09:47 9 later I saw some of them on telephone poles, so

11:09:51 10 they might have been like protectors to keep the

11:09:54 11 wire from getting damaged.

11:09:55 12 BY MR. ROMINE:

11:09:55 13 Q. Okay. And what were these rods

11:09:59 14 made out of?

11:10:01 15 A. I think it was steel, because

11:10:06 16 Kenny would come down or I'd bring them up to

11:10:10 17 him and he'd check with a magnet, and I think

11:10:12 18 they -- I'm pretty sure they were -- what kind

11:10:13 19 of steel, I don't know.

11:10:14 20 Q. Okay. Some kind of metal?

11:10:16 21 A. Yeah, some kind of metal.

11:10:17 22 Q. Yeah. And going back to the

11:10:18 23 sleeves, you said they were plastic?

11:10:21 24 A. Yes.

11:10:21 25 Q. And where were those disposed of?

11:10:24 1 A. That would go to the third -- no,  
11:10:29 2 we -- I think we put them on the second tier to  
11:10:33 3 get burned, because the cushion of it on the  
11:10:38 4 third tier, you know, they tried to keep solid,  
11:10:41 5 because once we kept pushing into the pit, we  
11:10:44 6 wanted it as solid as we could, so I think they  
11:10:47 7 were burned.

11:10:48 8 Q. Okay. So if I'm understanding  
11:10:50 9 you, the sleeves were less dense, and,  
11:10:53 10 therefore, put on the second tier?

11:10:55 11 A. Right.

11:10:56 12 MR. SLAUGHTER: Objection to form.  
11:10:57 13 Asked and answered.

11:10:58 14 BY MR. ROMINE:

11:10:58 15 Q. And how about the rods, where were  
11:11:01 16 they disposed of?

11:11:03 17 A. It would go in -- we had a metal  
11:11:05 18 pile like bicycles and -- and washers and  
11:11:10 19 dryers and refrigerators would go in this one  
11:11:12 20 pile. Eventually get hauled off from Franklin  
11:11:18 21 Iron and Steel.

11:11:18 22 Q. Okay. And then you said  
11:11:19 23 occasionally you would have a telephone come to  
11:11:19 24 the site --

11:11:23 25 A. Yeah.

11:11:23 1 Q. -- from Ohio Bell?

11:11:24 2 A. Yeah.

11:11:24 3 Q. And where did those go?

11:11:27 4 A. We kept them mostly.

11:11:29 5 MR. SLAUGHTER: Excuse me?

11:11:31 6 THE WITNESS: I said we kept them  
11:11:32 7 mostly and -- phones.

11:11:36 8 MR. SLAUGHTER: Thank you.

11:11:36 9 BY MR. ROMINE:

11:11:36 10 Q. All right. So it sounds like from  
11:11:38 11 what you're telling me, the three main kinds of  
11:11:43 12 waste that came from Ohio Bell were these  
11:11:44 13 sleeves, plastic sleeves, metal rods and some  
11:11:48 14 telephones?

11:11:48 15 A. Right.

11:11:49 16 Q. But by and large, the only part of  
11:11:53 17 that that really remained at the site were the  
11:11:57 18 sleeves, because the -- the plastic sleeves,  
11:11:59 19 because the rods and the phones were reused  
11:12:01 20 somehow?

11:12:01 21 A. Well, every now and then we'd  
11:12:05 22 get -- like DP&L, the things you wrap wire, but  
11:12:08 23 they were a lot smaller.

11:12:09 24 Q. Like a spool?

11:12:10 25 A. Yeah, a spool.

11:12:10 1 MR. SLAUGHTER: Objection. Leading  
11:12:12 2 the witness.

11:12:12 3 BY MR. ROMINE:

11:12:13 4 Q. And how would you dispose of the  
11:12:16 5 spools or after you disposed --

11:12:17 6 A. Some would go in the burn pile,  
11:12:21 7 which would be the second tier.

11:12:22 8 Q. Okay. The burn pile?

11:12:23 9 A. Yeah.

11:12:23 10 Q. Okay. And, again, going back to  
11:12:27 11 time -- a time period, when was the first time  
11:12:29 12 you remember seeing waste from Ohio Bell come?

11:12:35 13 A. Ever since I worked there in the  
11:12:35 14 '60s.

11:12:35 15 MR. SLAUGHTER: Excuse me?

11:12:40 16 THE WITNESS: In the '60s.

11:12:41 17 BY MR. ROMINE:

11:12:41 18 Q. Did they have their own trucks or  
11:12:48 19 were they hauled by someone else?

11:12:50 20 A. Yeah, they had their own truck.

11:12:51 21 Q. Did they have the Ohio Bell logo?

11:12:54 22 A. Yes.

11:12:55 23 Q. Do you remember any of their  
11:12:57 24 drivers?

11:12:57 25 A. No.

11:12:57 1 Q. Okay. You want a break?

11:13:01 2 A. No. I mean, unless everybody --

11:13:06 3 okay. I'm fine.

11:13:06 4 Q. Let's go. Yeah. All right. I'm

11:13:13 5 going to name another company. Do you remember

11:13:15 6 a company called the Peerless Transportation

11:13:21 7 Company?

11:13:21 8 A. Yes, but I don't recall what they

11:13:35 9 dumped or -- I just know the name.

11:13:37 10 Q. You know the name?

11:13:38 11 A. Yeah.

11:13:39 12 Q. Did Peerless Transportation

11:13:43 13 Company -- were they a customer of the South

11:13:43 14 Dayton Dump?

11:13:46 15 A. I'm not sure.

11:13:47 16 Q. Okay. Let me move on then.

11:13:55 17 Pittsburgh Paint.

11:13:57 18 A. Yes.

11:13:57 19 Q. Do you remember Pittsburgh Paint?

11:13:59 20 A. Yes.

11:14:00 21 Q. Was Pittsburgh Paint a customer of

11:14:02 22 the South Dayton Dump?

11:14:02 23 A. Yes.

11:14:03 24 Q. And what kind of waste did

11:14:05 25 Pittsburgh Paint bring to the dump?

11:14:09 1 A. A lot of paint cans, sometime they  
11:14:14 2 had paint in them, sometime they wouldn't.  
11:14:17 3 Broken up bags of -- now that I work  
11:14:22 4 construction, like plaster paris, plaster -- at  
11:14:29 5 that time, we didn't -- drywall wasn't a big  
11:14:32 6 thing, but it started to be in the '60s, so  
11:14:35 7 sometimes we'd get drywall products, you know.

11:14:40 8 Q. So it was paint and drywall?

11:14:43 9 MR. STINSON: Objection to form.  
11:14:46 10 Pete Stinson.

11:14:46 11 THE WITNESS: Yes.

11:14:47 12 BY MR. ROMINE:

11:14:47 13 Q. Anything other than paint and  
11:14:49 14 drywall?

11:14:49 15 A. There was some 55-gallon drums.  
11:15:04 16 Some skids, and that's all I can remember at  
11:15:14 17 this time.

11:15:14 18 Q. What was in the 55-gallon drums?

11:15:18 19 MR. STINSON: Objection to form.

11:15:19 20 THE WITNESS: Most of the time they  
11:15:21 21 were empty. We'd get some that might have a  
11:15:24 22 little bit like what was called mineral spirits or  
11:15:29 23 lacquer thinner, but not very often.

11:15:30 24 BY MR. ROMINE:

11:15:30 25 Q. Okay. I want to concentrate now



11:15:34 1 on the paint for a moment. Where was the paint  
11:15:38 2 disposed of?

11:15:39 3 A. The pit.

11:15:40 4 Q. Okay. How about the drywall,  
11:15:43 5 where was that disposed of?

11:15:45 6 A. Well, it wasn't actually drywall,  
11:15:49 7 it was more like a powder kind of thing, you  
11:15:52 8 know. Those were taken to the pit, also.

11:15:54 9 Q. Okay. The skids, what happened to  
11:16:01 10 the skids?

11:16:04 11 A. Would go up to the top tier and --  
11:16:06 12 where they could be sorted out and either burnt  
11:16:09 13 or sent to Skid Row.

11:16:10 14 Q. Similar to the other skids you  
11:16:12 15 told me about earlier?

11:16:13 16 A. Right. Um-hum.

11:16:14 17 Q. And then the 55-gallon drums, you  
11:16:17 18 said they were mostly empty, sometimes they had  
11:16:20 19 some paint thinner or mineral spirits in the  
11:16:23 20 bottom?

11:16:23 21 MR. STINSON: Objection to form.

11:16:28 22 THE WITNESS: They would go to the  
11:16:31 23 area where we kept the 55-gallon drums where we  
11:16:34 24 took the lids off of them because they were  
11:16:37 25 usually in pretty good shape.

11:16:38 1 BY MR. ROMINE:

11:16:38 2 Q. And what did you do with the  
11:16:40 3 material in the bottom of the drums?

11:16:43 4 A. Pour it out on the ground.

11:16:45 5 Q. Was that in the pit or just on the  
11:16:46 6 ground?

11:16:47 7 A. If they didn't have very much  
11:16:49 8 stuff, we'd dump it behind the office and we'd  
11:16:51 9 just dump it right there.

11:16:53 10 Q. Okay. And did Pittsburgh Paint  
11:17:00 11 have their own trucks or did they have someone  
11:17:05 12 else bring it in?

11:17:06 13 A. I don't remember.

11:17:08 14 Q. And what -- when do you remember  
11:17:12 15 the first time Pittsburgh Paint waste coming to  
11:17:15 16 the site?

11:17:15 17 A. Mid '60s.

11:17:17 18 Q. Did the Pittsburgh Paint waste  
11:17:19 19 come throughout the time --

11:17:22 20 MR. STINSON: Objection to form.

11:17:22 21 BY MR. ROMINE:

11:17:22 22 Q. -- you were there?

11:17:24 23 MR. STINSON: Objection to form.

11:17:25 24 THE WITNESS: Yes.

11:17:26 25 BY MR. ROMINE:

11:17:29 1 Q. Do you remember any drivers?

11:17:31 2 A. No.

11:17:31 3 Q. Moving on now. Reynolds and

11:17:41 4 Reynolds.

11:17:41 5 A. Yes.

11:17:41 6 Q. Do you remember a company called

11:17:44 7 Reynolds and Reynolds?

11:17:44 8 A. Yes.

11:17:45 9 Q. Were they a customer of the South

11:17:45 10 Dayton Dump?

11:17:48 11 MR. McCALL: Objection to form. Duke

11:17:56 12 McCall, counsel for Reynolds and Reynolds.

11:17:58 13 BY MR. ROMINE:

11:17:58 14 Q. And what kind of waste did

11:18:01 15 Reynolds and Reynolds bring to the dump?

11:18:04 16 MR. McCALL: Objection to form.

11:18:04 17 THE WITNESS: Mostly paper products,

11:18:07 18 some skids. Boxes, a lot of boxes.

11:18:14 19 BY MR. ROMINE:

11:18:14 20 Q. And what were the boxes made out

11:18:15 21 of?

11:18:16 22 A. Cardboard.

11:18:18 23 Q. All right. We had mentioned --

11:18:19 24 you had talked about skids from a number of

11:18:22 25 other different companies, and were the skids

11:18:26 1 from Reynolds and Reynolds treated similar to  
11:18:29 2 the skids you would get from the other  
11:18:30 3 companies?

11:18:31 4 A. Right. 42 by 42 usually.

11:18:33 5 MR. McCALL: Objection to form.

11:18:33 6 BY MR. ROMINE:

11:18:34 7 Q. Okay. I'm not going to go into  
11:18:34 8 that in any more --

11:18:34 9 A. Okay.

11:18:36 10 Q. -- any more detail, but now the  
11:18:36 11 paper products, what kind of paper did the dump  
11:18:39 12 get from Reynolds and Reynolds?

11:18:41 13 A. Just various shreds sometime.

11:18:50 14 Sometimes it looked like office stuff.

11:18:54 15 Q. And would -- where was that  
11:18:55 16 disposed of?

11:18:58 17 MR. McCALL: Object to the form.

11:18:59 18 THE WITNESS: Well, the cardboard was  
11:19:00 19 put up the top tier where the two guys -- the two  
11:19:05 20 gentlemen put them on the truck.

11:19:06 21 The other that was -- we'd put it on  
11:19:10 22 the second tier that was burnable stuff.

11:19:18 23 MR. McCALL: Move to strike.

11:19:18 24 BY MR. ROMINE:

11:19:18 25 Q. And how about the paper?

11:19:19 1 A. That's what I'm saying, the paper.

11:19:21 2 Q. Okay. The paper would go with the  
11:19:22 3 burnables?

11:19:24 4 MR. McCALL: Object to the form.

11:19:25 5 THE WITNESS: Yes.

11:19:25 6 BY MR. ROMINE:

11:19:25 7 Q. And the cardboard, you had  
11:19:26 8 mentioned that at some point there were two  
11:19:30 9 guys hired to, I guess, reclaim the usable  
11:19:33 10 cardboard?

11:19:33 11 MR. McCALL: Objection. Form.

11:19:34 12 THE WITNESS: They'd break the boxes  
11:19:34 13 up and then squish them into the thing to be  
11:19:39 14 recycled to Dayton Fiber.

11:19:40 15 BY MR. ROMINE:

11:19:40 16 Q. Okay. And when do you remember  
11:19:42 17 the Reynolds and Reynolds -- the first time you  
11:19:45 18 remember the Reynolds and Reynolds waste come  
11:19:47 19 to the dump?

11:19:48 20 MR. McCALL: Objection. Form.

11:19:50 21 THE WITNESS: I think in the '70s  
11:19:52 22 maybe.

11:19:52 23 BY MR. ROMINE:

11:19:53 24 Q. '70s?

11:19:53 25 A. Yeah.

11:19:53 1 Q. All right. I want to try and  
11:19:55 2 focus on Reynolds and Reynolds right now. Was  
11:19:58 3 there a time that the Reynolds and Reynolds  
11:20:01 4 cardboard came to the dump before these two  
11:20:04 5 guys were hired to reclaim the cardboard?

11:20:07 6 A. I don't know that.

11:20:09 7 Q. And did Reynolds and Reynolds --  
11:20:14 8 did they have their own truck?

11:20:18 9 A. I don't know that.

11:20:19 10 Q. Okay. Do you remember any  
11:20:20 11 drivers --

11:20:21 12 A. No.

11:20:21 13 Q. -- that brought Reynolds and  
11:20:23 14 Reynolds waste? Okay. How you doing?

11:20:31 15 A. Um-hum. Okay.

11:20:33 16 MR. McCALL: I'm sorry, what was the  
11:20:36 17 answer? I didn't hear the answer.

11:20:36 18 MR. ROMINE: He said okay.

11:20:36 19 THE WITNESS: I said okay.

11:20:36 20 BY MR. ROMINE:

11:20:36 21 Q. Are you familiar with a company  
11:20:48 22 called Sherwin-Williams Company?

11:20:49 23 A. Yes.

11:20:50 24 Q. And was Sherwin-Williams Company a  
11:20:53 25 customer of the South Dayton Dump?

11:20:54 1 A. Yes.

11:20:54 2 Q. And what kind of waste came from  
11:20:54 3 the Sherwin-Williams Company?

11:20:57 4 MR. EDDY: Objection to the form of  
11:20:57 5 the question. Robert Eddy.

11:21:01 6 THE WITNESS: Same as Pittsburgh, and  
11:21:06 7 we had a company called -- I can't remember.  
11:21:11 8 There was like three companies, paint companies,  
11:21:13 9 that would come. You know, cans, skids, box --  
11:21:20 10 boxes. Lots of -- we had -- they sent more drums  
11:21:26 11 than any of the other paint companies.

11:21:31 12 BY MR. ROMINE:

11:21:31 13 Q. Okay. So you're saying  
11:21:33 14 Sherwin-Williams was a paint company?

11:21:35 15 MR. EDDY: Objection to form.

11:21:35 16 THE WITNESS: Yes.

11:21:36 17 BY MR. ROMINE:

11:21:37 18 Q. And the skids, I take it, were  
11:21:41 19 dealt with the same way we had talked about --  
11:21:43 20 skids from a dozen other companies we talked  
11:21:46 21 about today?

11:21:46 22 A. Correct.

11:21:46 23 MR. EDDY: Objection to form.

11:21:48 24 BY MR. ROMINE:

11:21:48 25 Q. And you said that they -- that

11:21:51 1 Sherwin-Williams brought more drums to the site  
11:21:55 2 than did Pittsburgh Paint, is that correct?

11:21:57 3 MR. EDDY: Objection to form.

11:21:58 4 THE WITNESS: Right.

11:21:58 5 BY MR. ROMINE:

11:21:58 6 Q. And when you say drums, are these  
11:22:03 7 55-gallon drums or some other drums?

11:22:04 8 A. 55-gallon drums.

11:22:06 9 Q. And focusing now on  
11:22:08 10 Sherwin-Williams, what was in those drums --

11:22:14 11 MR. EDDY: Objection to form.

11:22:16 12 BY MR. ROMINE:

11:22:16 13 Q. -- if anything?

11:22:18 14 A. Paint, the thinners, but mostly,  
11:22:26 15 you know, paint residue.

11:22:31 16 Q. Were they -- did they have -- did  
11:22:34 17 all the drums have something in them or were  
11:22:35 18 some empty?

11:22:36 19 MR. EDDY: Objection.

11:22:37 20 THE WITNESS: They were some empty.

11:22:38 21 Most of the thinners were pretty empty, and like I  
11:22:41 22 said, if it wasn't, we'd dump the -- behind the  
11:22:44 23 office and took the lids off of them.

11:22:46 24 BY MR. ROMINE:

11:22:46 25 Q. And did Sherwin-Williams Company



11:22:58 1 bring their own waste to the site or was it  
11:23:00 2 somebody else?

11:23:01 3 A. Pardon me?

11:23:01 4 Q. Did Sherwin-Williams bring its own  
11:23:04 5 waste to the dump or did somebody else bring it  
11:23:06 6 for them?

11:23:07 7 MR. EDDY: Objection to form.

11:23:10 8 THE WITNESS: They brought their own  
11:23:12 9 vehicle.

11:23:13 10 BY MR. ROMINE:

11:23:13 11 Q. And what was -- what did that  
11:23:15 12 vehicle look like?

11:23:18 13 A. It was -- most of them were white  
11:23:22 14 vans.

11:23:22 15 Q. White vans?

11:23:22 16 A. Yeah. There was -- I think there  
11:23:23 17 was a couple times I saw a flatbed truck.

11:23:29 18 Q. Okay.

11:23:29 19 A. But most of them -- my  
11:23:31 20 recollection was that -- because I thought it  
11:23:33 21 was funny, is that if they brought big enough  
11:23:37 22 drums and enough paint to paint the buildings  
11:23:39 23 that my dad and my partner had, I don't care if  
11:23:43 24 they were pink, purple or whatever.

11:23:45 25 I -- one summer I had to paint the

11:23:46 1 buildings with this paint they got from  
11:23:48 2 Sherwin-Williams, and we'd go down and buy --  
11:23:51 3 have them -- if we were just a little short,  
11:23:55 4 they'd mix us up some more. So I got to be  
11:23:58 5 really close to -- what's his name -- the  
11:24:00 6 manager there on Patterson Boulevard.

11:24:07 7 Oh, I can't remember his name.  
11:24:08 8 It'll come up later, but --

11:24:09 9 Q. Are you talking about someone who  
11:24:10 10 worked for Sherwin-Williams?

11:24:11 11 A. Yeah, he was the manager of that  
11:24:13 12 store. They had an industrial building up  
11:24:15 13 north somewhere, and then they had -- they had  
11:24:22 14 built one, I think, in the '70s over on --  
11:24:26 15 close to the dump. I can't remember the name  
11:24:29 16 of -- Baldwin Drive maybe or something like  
11:24:31 17 that. So they still kept doing business, but a  
11:24:36 18 lot of the stuff came from the Patterson Road  
11:24:39 19 store.

11:24:40 20 Q. Okay. So --

11:24:41 21 MR. EDDY: Objection. Move to strike  
11:24:46 22 that last answer.

11:24:46 23 BY MR. ROMINE:

11:24:46 24 Q. So you mentioned that -- that  
11:24:48 25 Sherwin-Williams brought drums in in a van?

11:24:48 1 A. Right.

11:24:52 2 Q. And your understanding was that it  
11:24:52 3 came from a store on Patterson Boulevard?

11:24:52 4 A. Right.

11:24:55 5 MR. EDDY: Objection to the last two  
11:24:55 6 questions.

11:24:56 7 BY MR. ROMINE:

11:24:56 8 Q. And any other locations that the  
11:25:00 9 waste came from?

11:25:02 10 A. From Sherwin-Williams?

11:25:03 11 Q. Yeah.

11:25:04 12 A. Like I said, you know, there was a  
11:25:06 13 place up north, because I remember some of the  
11:25:12 14 drivers complaining because they -- at that  
11:25:15 15 time, the highway was built and it -- the  
11:25:19 16 malfunction junction, and when they'd make  
11:25:22 17 curves, sometimes that stuff would get in their  
11:25:24 18 van and they'd be mad and we sat and talked  
11:25:28 19 and -- but then, again, most of it came from  
11:25:31 20 Patterson store until like -- Arbor, maybe it  
11:25:37 21 was Arbor Boulevard is where they built the new  
11:25:37 22 building.

11:25:37 23 BY MR. ROMINE:

11:25:40 24 Q. And how many --

11:25:41 25 MR. EDDY: Move to strike.

11:25:42 1 BY MR. ROMINE:

11:25:42 2 Q. -- how many drums were in the  
11:25:42 3 vans?

11:25:45 4 MR. EDDY: Objection.

11:25:47 5 THE WITNESS: Usually a couple.

11:25:47 6 BY MR. ROMINE:

11:25:47 7 Q. A couple?

11:25:48 8 A. And then a lot of -- a lot of can  
11:25:51 9 lids, you know, like one gallon lids that were  
11:25:54 10 pretty bent up with various colors like where  
11:25:57 11 you'd open a can of paint.

11:25:59 12 Q. And where were the can lids  
11:26:01 13 disposed of?

11:26:03 14 A. We had a place for tin, another  
11:26:07 15 pile on the dump that empty cans -- they had to  
11:26:11 16 be completely empty, we'd put them there to be  
11:26:15 17 hauled off for metal to Franklin Iron and  
11:26:17 18 Metal.

11:26:17 19 Q. Did you clean out the -- the cans?

11:26:20 20 A. Oh, no. No.

11:26:21 21 Q. You just left them there empty?

11:26:24 22 A. If the ones had gallon cans, we'd  
11:26:26 23 take them to the second tier where they could  
11:26:31 24 be burned, and a lot -- either they'd burn it  
11:26:33 25 completely or they'd burn enough if they were

11:26:35 1 underneath something where it could be with the  
11:26:38 2 magnet and dropped into the truck.

11:26:41 3 Q. Did the -- did the gallon cans --  
11:26:44 4 were they always empty or did they have paint  
11:26:47 5 in them?

11:26:48 6 MR. EDDY: Objection.

11:26:48 7 THE WITNESS: Like I said, if  
11:26:48 8 sometimes they would have maybe a third or half  
11:26:51 9 paint in them, Uncle Alcine wanted me to empty  
11:26:56 10 them into various things, but I -- I'd empty the  
11:27:02 11 oil base with latex. Latex was just coming in --  
11:27:06 12 into focus, and so I got -- he got mad because I  
11:27:11 13 had oil products and water products, and so we  
11:27:14 14 stopped that, you know.

11:27:14 15 MR. EDDY: Move to strike.

11:27:17 16 THE WITNESS: So I remember that.

11:27:18 17 BY MR. ROMINE:

11:27:18 18 Q. He didn't want you to -- to dump  
11:27:21 19 the oil based paint with the latex based paint?

11:27:21 20 A. They wouldn't --

11:27:24 21 MR. EDDY: Objection to form.

11:27:25 22 THE WITNESS: -- they wouldn't blend  
11:27:26 23 together, so, you know, he wanted to reuse them  
11:27:29 24 and paint stuff with them.

11:27:29 25 BY MR. ROMINE:

11:27:32 1 Q. I see.

11:27:32 2 A. A lot of times they brought  
11:27:34 3 industrial, and then we'd paint various metal  
11:27:36 4 things on the dump. One summer I spent  
11:27:40 5 painting poles and the bulldozers and the  
11:27:44 6 tractor.

11:27:46 7 Q. Was this with the -- from -- with  
11:27:48 8 waste paint from Sherwin-Williams?

11:27:49 9 A. Right.

11:27:50 10 MR. EDDY: Objection. Form.

11:27:51 11 BY MR. ROMINE:

11:27:51 12 Q. And was there any waste paint from  
11:27:53 13 Sherwin-Williams that didn't get used up  
11:27:56 14 somehow?

11:27:58 15 MR. EDDY: Object to the form.

11:27:59 16 THE WITNESS: Yes, and that went on  
11:28:02 17 to the pit if it was liquid form.

11:28:03 18 BY MR. ROMINE:

11:28:04 19 Q. Okay. Do you remember any of  
11:28:05 20 their drivers?

11:28:06 21 A. No. Well, actually I started --  
11:28:09 22 because of the Patterson Boulevard, I got to  
11:28:14 23 know some of the drivers and -- but mainly I  
11:28:18 24 knew the manager, because after I got into  
11:28:21 25 construction, we stayed -- Martin, Martin, I

11:28:26 1 think, he was a German guy and he was from  
11:28:31 2 Germany, so we'd sit and talk about the war and  
11:28:34 3 everything and I'd ask him questions, and  
11:28:37 4 that's about it.

11:28:38 5 Q. Was Martin his first name or his  
11:28:40 6 last name?

11:28:41 7 A. I think it was his first name.

11:28:43 8 Q. And when do you first remember  
11:28:46 9 waste coming to the dump from Sherwin-Williams?

11:28:47 10 MR. EDDY: Objection. Form.

11:28:53 11 THE WITNESS: I really remember  
11:28:56 12 mid -- mid '60s. Like I said before, the '60s,  
11:28:59 13 between the beginning and end, was so steady, and  
11:29:07 14 the EPA wasn't on the dump so much, and -- and so  
11:29:09 15 we could pretty much do what we wanted to, but  
11:29:14 16 then when it got sticky and we couldn't burn  
11:29:15 17 anymore -- because if we burned -- if the wind was  
11:29:19 18 going in the direction of Dayton, it would smoke  
11:29:21 19 the whole downtown area, and that's when the EPA  
11:29:24 20 would come and complain about the smoke. So then  
11:29:28 21 eventually we had to go from a burnable dump to  
11:29:31 22 just covering up stuff, so --

11:29:35 23 BY MR. ROMINE:

11:29:35 24 Q. Okay. Speaking specifically about  
11:29:40 25 Sherwin-Williams though, I'm trying to focus on

11:29:41 1 when you first remember seeing the

11:29:44 2 Sherwin-Williams waste come to the dump.

11:29:46 3 MR. EDDY: Objection to form.

11:29:49 4 THE WITNESS: '60s.

11:29:50 5 BY MR. ROMINE:

11:29:50 6 Q. Okay. Moving on now. Standard  
11:29:58 7 Register.

11:29:59 8 A. Um-hum.

11:29:59 9 Q. Do you remember the name Standard  
11:30:02 10 Register?

11:30:02 11 A. Yes.

11:30:02 12 Q. And was Standard Register a  
11:30:05 13 customer of the South Dayton Dump?

11:30:24 14 A. Yes.

11:30:24 15 Q. And what kind of waste did  
11:30:24 16 Standard Register bring to the dump?

11:30:31 17 MR. HAUGHEY: Steve Haughey.

11:30:31 18 Objection as to form.

11:30:35 19 THE WITNESS: It was real -- it was  
11:30:37 20 similar to NCR stuff, and I thought it was part of  
11:30:41 21 NCR, but later was corrected, but -- so I thought  
11:30:45 22 they were the same company, so --

11:30:47 23 BY MR. ROMINE:

11:30:47 24 Q. And go ahead and tell me now about  
11:30:51 25 Standard Register and what you remember about



11:30:53 1 Standard Register and their waste.

11:30:55 2 A. We got a lot of keys and -- and  
11:31:05 3 drawers and different things that came from  
11:31:08 4 registers, a lot of steel stuff, and we didn't  
11:31:16 5 have to mess with that stuff very often, other  
11:31:19 6 than the skids that -- it went into the pile  
11:31:23 7 that was metal.

11:31:25 8 If it had some plastic products,  
11:31:27 9 then we'd have to put it in the burn pit or  
11:31:30 10 burn pile and burn the plastic off of them to  
11:31:33 11 sell them for metal.

11:31:37 12 Q. And what happened to the metal?

11:31:41 13 A. It was sent to Franklin Iron and  
11:31:43 14 Metal.

11:31:43 15 Q. Okay. And you said that some of  
11:31:46 16 the stuff had plastic on it?

11:31:47 17 A. Yeah.

11:31:48 18 Q. Okay. And that was broken off?

11:31:51 19 A. Burnt.

11:31:52 20 MR. HAUGHEY: Objection. Form.

11:31:53 21 BY MR. ROMINE:

11:31:53 22 Q. It was burnt?

11:31:53 23 A. Yeah.

11:31:54 24 Q. So, again, just trying to figure  
11:31:56 25 out what happened. If the -- the waste was

11:32:01 1 plastic attached to the metal?

11:32:02 2 A. Um-hum.

11:32:03 3 Q. Yes?

11:32:04 4 A. Yes.

11:32:04 5 Q. And then that went into the

11:32:06 6 burnable?

11:32:06 7 A. Burnable, yes.

11:32:07 8 Q. Okay. And it was burned?

11:32:09 9 MR. HAUGHEY: Objection. Leading.

11:32:10 10 BY MR. ROMINE:

11:32:10 11 Q. Correct?

11:32:11 12 A. Until we had to bury stuff, yeah.

11:32:13 13 Q. Yeah. Well, let me get -- let me

11:32:14 14 start with the burning. Let's start with the

11:32:16 15 burning.

11:32:17 16 A. Yeah.

11:32:17 17 Q. Some of it was burned? Yes?

11:32:20 18 A. All of it at the time that we

11:32:21 19 could burn got burned.

11:32:24 20 Q. Okay. And then there was metal

11:32:26 21 that was basically left over?

11:32:28 22 A. Right.

11:32:28 23 MR. HAUGHEY: Objection. Leading.

11:32:28 24 BY MR. ROMINE:

11:32:29 25 Q. And that was salvaged?

11:32:30 1 A. Yes.

11:32:30 2 Q. Okay. Now, let's go to some --  
11:32:34 3 another time period you're talking about when  
11:32:35 4 it was buried.

11:32:36 5 A. Right.

11:32:36 6 Q. Okay. And at some point, the  
11:32:39 7 waste from Standard Register got buried instead  
11:32:42 8 of burned?

11:32:42 9 MR. HAUGHEY: Objection. Leading.

11:32:44 10 THE WITNESS: Correct.

11:32:44 11 BY MR. ROMINE:

11:32:44 12 Q. When was that?

11:32:46 13 A. Early '70s.

11:32:50 14 Q. Okay. And was it the same type of  
11:32:50 15 waste?

11:32:55 16 A. Yeah.

11:32:55 17 Q. And Standard Register, did they  
11:32:59 18 have their own trucks or did someone bring it  
11:33:03 19 to the site for them?

11:33:03 20 A. I don't remember.

11:33:04 21 Q. How often did Standard Register  
11:33:07 22 come to the dump?

11:33:09 23 A. Once a month maybe, because, see,  
11:33:16 24 I -- like I said, I had them confused with NCR,  
11:33:19 25 so, you know, I thought it was the same

11:33:20 1 company, so --

11:33:20 2 Q. I understand. Same -- same kind  
11:33:25 3 of waste?

11:33:25 4 A. Yeah.

11:33:26 5 Q. One thing I may have forgotten to  
11:33:31 6 ask you about Sherwin-Williams Company. How  
11:33:33 7 often did Sherwin-Williams Company -- how often  
11:33:35 8 did their waste come to the site?

11:33:37 9 MR. EDDY: Objection to form.

11:33:37 10 THE WITNESS: Twice a week.

11:33:38 11 BY MR. ROMINE:

11:33:39 12 Q. Okay. All right. I'm going to  
11:33:44 13 move on now. Are you familiar with the  
11:33:50 14 University of Dayton?

11:33:51 15 A. Yes.

11:33:51 16 Q. Was the University of Dayton a  
11:33:53 17 customer of the South Dayton Dump?

11:34:05 18 A. I don't remember. I'm -- I don't  
11:34:13 19 remember right now.

11:34:13 20 Q. Okay. No problem.

11:34:16 21 MR. ROMINE: Let's take a ten minute  
11:34:17 22 break. I'm going to -- we're close to getting  
11:34:20 23 done. I'm just going to look at my outline and  
11:34:23 24 see -- see where we are.

11:34:29 25 (Pause in proceedings.)

11:34:29 1 MR. ROMINE: So we'll go back on the  
11:51:33 2 record.

11:51:33 3 BY MR. ROMINE:

11:51:39 4 Q. Mr. Grillot, before the break, I  
11:51:42 5 had asked you about the University of Dayton.

11:51:46 6 A. I was just going to say something  
11:51:48 7 to you about that.

11:51:48 8 Q. Go ahead.

11:51:49 9 A. That, and the Peerless Company you  
11:51:52 10 were talking about --

11:51:52 11 Q. Right.

11:51:53 12 A. -- I was sitting out there in that  
11:51:57 13 room over there -- which one you want me to go  
11:52:01 14 first?

11:52:01 15 Q. Either one.

11:52:03 16 A. Peerless will be short. It -- I  
11:52:05 17 believe Peerless was like a moving industrial  
11:52:09 18 machinery -- I think they were kind of like a  
11:52:11 19 moving thing.

11:52:12 20 Q. Okay.

11:52:13 21 A. And I believe they brought a lot  
11:52:16 22 of wood, like crates where they would -- and  
11:52:22 23 pallets and stuff like that, wood products.

11:52:23 24 Q. Okay.

11:52:24 25 A. But other than that, I don't --

11:52:26 1 it's just -- came back up, so --

11:52:28 2 Q. No problem. And so I take it what  
11:52:34 3 you're telling me is Peerless was a customer of  
11:52:38 4 the South Dayton Dump?

11:52:39 5 A. Um-hum.

11:52:39 6 Q. And did they have their own  
11:52:41 7 trucks?

11:52:43 8 A. I don't remember.

11:52:43 9 Q. Okay. And can you remember  
11:52:46 10 anything in their waste other than the pallets?

11:52:52 11 A. A straw like material, like hay,  
11:52:57 12 but I think it was like a packaging stuff.

11:53:00 13 Q. Okay. And how were the --  
11:53:05 14 focusing on Peerless now, for the pallets,  
11:53:07 15 where were they disposed of those?

11:53:09 16 A. Up on the top tier.

11:53:10 17 Q. Same as the other pallets you were  
11:53:13 18 talking about earlier?

11:53:14 19 A. Um-hum.

11:53:14 20 Q. And how about this packaging  
11:53:16 21 material?

11:53:17 22 A. It was pretty flammable, so we  
11:53:19 23 pretty much took it down to the bury pile,  
11:53:23 24 which would be the third tier.

11:53:24 25 Q. Okay. Is it your memory that this

11:53:27 1 was a natural material, like a grass or a hay  
11:53:30 2 that was cut and used?

11:53:31 3 A. Yeah, something of that nature.

11:53:32 4 Q. It was natural? Okay. Other than  
11:53:35 5 the -- the -- the packaging material and the  
11:53:41 6 pallets, can you remember seeing anything else  
11:53:43 7 coming from Peerless?

11:53:45 8 A. Well, a lot of times there would  
11:53:47 9 be like boxes of nuts and bolts, because I --  
11:53:52 10 anything like that, I had to take up to the  
11:53:54 11 office for -- Kenny took the stuff and did  
11:53:57 12 something with them, took them home or  
11:54:00 13 something, and -- or would use them around the  
11:54:01 14 dump for various tasks, but --

11:54:05 15 Q. Okay. So those would go  
11:54:06 16 basically --

11:54:07 17 A. To the office.

11:54:08 18 Q. -- to the office?

11:54:09 19 A. (Nodding head up and down.)

11:54:09 20 Q. Anything else from Peerless?

11:54:11 21 A. No, I don't --

11:54:13 22 Q. That's fine. I'm just asking you  
11:54:15 23 what you can remember.

11:54:16 24 A. Yeah.

11:54:16 25 Q. And when do you first remember

11:54:19 1 Peerless -- waste from Peerless coming to the  
11:54:22 2 site?

11:54:23 3 A. I would say early '70s.

11:54:26 4 Q. Okay. And you had mentioned the  
11:54:31 5 University of Dayton?

11:54:32 6 A. Yes.

11:54:33 7 MR. HAUGHEY: I'm going to object  
11:54:36 8 because these are all asked and answered  
11:54:37 9 questions.

11:54:37 10 BY MR. ROMINE:

11:54:37 11 Q. What can you tell me about the  
11:54:39 12 University of Dayton?

11:54:41 13 A. Well, it's really in depth, so  
11:54:43 14 I -- and, you know, sitting out there, I have  
11:54:47 15 a -- I've tried to forget about University of  
11:54:50 16 Dayton because I've had a bad dealing with  
11:54:52 17 them, and -- and, you know, so I had to sit out  
11:54:56 18 there and make the distinction what I was angry  
11:54:58 19 about and what I remember.

11:54:59 20 Q. Fair enough. Let's -- let me do  
11:55:01 21 it this way: Let me just ask you about what  
11:55:04 22 you remember, and if you're able to answer, go  
11:55:06 23 ahead and answer. Was the University of Dayton  
11:55:09 24 a customer of the South Dayton Dump?

11:55:11 25 A. I believe so.



11:55:12 1 Q. And what kind of -- what stuff did  
11:55:12 2 University of Dayton bring?

11:55:17 3 MR. HAUGHEY: Objection as to form.

11:55:18 4 THE WITNESS: Because my dad was a  
11:55:25 5 devout Catholic and had a lot of dealings with the  
11:55:27 6 University of Dayton and with various churches,  
11:55:33 7 the bishop and archbishops, they -- we'd go to  
11:55:37 8 Cincinnati and do various things, but I think it  
11:55:40 9 mainly was like athlete stuff, some metal  
11:55:43 10 products, some wood, like benches and stuff like  
11:55:47 11 that. Sometimes poles that had lights on them,  
11:55:52 12 things like -- of that nature.

11:55:54 13 Q. And where was this waste disposed  
11:55:57 14 of?

11:55:58 15 MR. HAUGHEY: Objection as to form.

11:56:01 16 THE WITNESS: Metal would go in the  
11:56:02 17 metal pile. Wood would go -- if it wasn't skids,  
11:56:05 18 then it would go down in the burnable, which was  
11:56:09 19 the third tier -- or second tier, I'm sorry, and  
11:56:14 20 that sort of thing.

11:56:16 21 Some -- there were some books, I  
11:56:19 22 think, if I remember, they had stamped somewhere  
11:56:21 23 in the book. A couple -- because I think Kenny  
11:56:25 24 took one. I think it was like a index card thing,  
11:56:28 25 it was a wooden thing that came -- that you'd look

11:56:34 1 up books or something like that.

11:56:35 2 BY MR. ROMINE:

11:56:35 3 Q. Like you might see in a library?

11:56:37 4 A. Yeah, um-hum.

11:56:38 5 Q. And where was that disposed of?

11:56:40 6 A. Kenny --

11:56:40 7 MR. HAUGHEY: Objection as to form.

11:56:41 8 THE WITNESS: Kenny took it home with  
11:56:43 9 him.

11:56:44 10 BY MR. ROMINE:

11:56:44 11 Q. And when you say the books were  
11:56:46 12 stamped, what did the stamp say?

11:56:49 13 MR. HAUGHEY: Objection. Leading.

11:56:51 14 THE WITNESS: I don't remember right  
11:56:52 15 now.

11:56:52 16 BY MR. ROMINE:

11:56:52 17 Q. Okay. And when do you remember  
11:56:54 18 the first time or the earliest time you saw  
11:56:59 19 waste from the University of Dayton come in?

11:57:01 20 MR. HAUGHEY: Objection as to form.

11:57:03 21 THE WITNESS: '60s.

11:57:04 22 BY MR. ROMINE:

11:57:04 23 Q. Now, you had mentioned the  
11:57:08 24 University of Dayton and Peerless. Did you and  
11:57:12 25 I just have a discussion about them or is this

11:57:15 1 something you remembered by yourself?

11:57:16 2 A. No, like I said, I went out there  
11:57:17 3 because, like I said, I have a very upset  
11:57:20 4 feeling about University of Dayton, and so it's  
11:57:25 5 hard to remember what -- you know.

11:57:29 6 Q. Okay. But you told me what you  
11:57:32 7 remembered about the University of Dayton here  
11:57:32 8 just now?

11:57:32 9 A. Pardon me?

11:57:32 10 Q. You told me about --

11:57:35 11 A. Yeah. Yes.

11:57:35 12 Q. -- about the waste --

11:57:36 13 A. Yes. Yes. Yes.

11:57:37 14 Q. Okay. Just a couple of follow-up  
11:57:48 15 questions. Towards -- right before the break,  
11:57:50 16 I had asked you about Reynolds and Reynolds.

11:57:52 17 A. Um-hum.

11:57:52 18 Q. And what I wanted to ask you is,  
11:57:54 19 how frequently did waste come from Reynolds and  
11:57:58 20 Reynolds to the dump?

11:57:58 21 MR. McCALL: Object to form.

11:58:00 22 THE WITNESS: Once a month.

11:58:01 23 BY MR. ROMINE:

11:58:01 24 Q. The same question, Pittsburgh  
11:58:04 25 Paint, how frequently did you see waste come

11:58:59 1 too.

11:58:59 2 BY MR. ROMINE:

11:59:01 3 Q. I'm going to ask you a couple more  
11:59:03 4 companies. Do you remember the name of a  
11:59:05 5 company called General Refuse or General  
11:59:07 6 Refuge?

11:59:07 7 A. Right.

11:59:08 8 Q. Was that company, in your memory,  
11:59:12 9 also a company that was owned or controlled by  
11:59:15 10 Mr. Brandon and Mr. Aldridge?

11:59:16 11 MR. HARBECK: Object to the form.

11:59:17 12 THE WITNESS: Remember I told you  
11:59:19 13 they were a suburb type of thing?

11:59:23 14 BY MR. ROMINE:

11:59:23 15 Q. But, again --

11:59:24 16 A. That was part of -- yeah.

11:59:25 17 Q. It was part of Mr. Brandon's and  
11:59:27 18 Aldridge's businesses?

11:59:27 19 A. Correct.

11:59:28 20 MR. HARBECK: Object to the form.

11:59:29 21 BY MR. ROMINE:

11:59:30 22 Q. Different -- slightly different  
11:59:32 23 name, General Sanitation, do you remember that  
11:59:34 24 name?

11:59:34 25 A. Yeah.

11:59:34 1 Q. And was that also a company  
11:59:36 2 associated with Mr. Brandon and Mr. Aldridge?

11:59:39 3 MR. HARBECK: Object to the form.

11:59:40 4 THE WITNESS: Yes.

11:59:40 5 BY MR. ROMINE:

11:59:40 6 Q. Okay.

11:59:42 7 A. Well, I think the General  
11:59:44 8 Sanitation -- at the end of -- I think it was  
11:59:47 9 the '70s, Larry and Bob had talked about  
11:59:53 10 selling the company to some outfit in Chicago,  
11:59:57 11 and that -- they got all us employees and told  
12:00:01 12 them that very soon we might be under new  
12:00:06 13 management, that Larry was still going to be  
12:00:08 14 head of the operation here in Dayton and -- but  
12:00:13 15 I quit before I think it happened, so -- but I  
12:00:18 16 heard eventually they were bought out, because  
12:00:20 17 that's when Larry then went totally to the  
12:00:23 18 Dayton Fiber and --

12:00:26 19 Q. Okay. All right.

12:00:27 20 MR. HARBECK: I move to strike.

12:00:29 21 Nonresponsive.

12:00:31 22 MR. ROMINE: Okay. I think that's  
12:00:32 23 all I have. Thank you. So are we ready for a  
12:00:36 24 lunch break, come back at one o'clock? Okay.  
12:00:43 25 Thank you.

1 (Thereupon, the proceedings were  
2 adjourned for lunch.)

3 MR. HAUGHEY: I guess we're back on.

4 CROSS-EXAMINATION

5 BY MR. HAUGHEY:

13:00:48 6 Q. Okay. Mr. -- would you pronounce  
13:00:53 7 your last name, please?

13:00:54 8 A. Like grill E O.

13:00:57 9 Q. Grillot?

13:00:58 10 A. Grillot.

13:00:58 11 Q. Even though there's no I O T,  
13:01:00 12 correct?

13:01:00 13 A. No.

13:01:01 14 Q. Okay. Thank you. I just wanted  
13:01:03 15 to make sure I get it -- I get it right, and --  
13:01:03 16 but there's no I in it?

13:01:05 17 A. No.

13:01:05 18 Q. Okay.

13:01:06 19 A. The T is silent.

13:01:08 20 Q. Grillot. Okay. Thank you. My  
13:01:10 21 name is Steve Haughey. I'm representing some  
13:01:13 22 of the defendants in this case, and I want to  
13:01:17 23 ask you some questions about your testimony and  
13:01:21 24 some related items.

13:01:22 25 A. Okay.

13:01:22 1 Q. Are you represented by counsel --  
13:01:27 2 by legal counsel for this deposition?

13:01:29 3 A. No. No.

13:01:30 4 Q. Okay. So you're not represented  
13:01:31 5 by the plaintiffs or their lawyers, correct?

13:01:34 6 A. No.

13:01:34 7 Q. Okay. Are you being paid to  
13:01:42 8 appear here today to give testimony?

13:01:44 9 A. No.

13:01:44 10 Q. Are you being reimbursed any  
13:01:47 11 expenses for your testimony?

13:01:49 12 A. No.

13:01:49 13 Q. Did you drive up from North  
13:01:55 14 Carolina for your testimony?

13:01:56 15 A. Not this time, but I did  
13:01:58 16 originally, yes.

13:01:59 17 Q. Okay. You mean -- by originally,  
13:02:01 18 do you mean back when your deposition was taken  
13:02:03 19 in 2012?

13:02:05 20 A. Correct, um-hum.

13:02:05 21 Q. Okay. Okay. Where did you  
13:02:07 22 drive -- where did you come from for purposes  
13:02:10 23 of the deposition today?

13:02:11 24 A. Local. Dayton.

13:02:16 25 Q. Okay. Are you staying with

13:02:18 1 someone in Dayton?

13:02:20 2 A. I have a -- a girl friend, she's  
13:02:26 3 just a friend, and I stay with her when --  
13:02:29 4 sometimes and sometimes I go different places.

13:02:34 5 Q. Okay.

13:02:37 6 A. Kind of homeless, but --

13:02:39 7 Q. Okay. Do you have relatives in  
13:02:42 8 Dayton?

13:02:42 9 A. Yes, all my family is from Dayton.  
13:02:45 10 I have a daughter in Atlanta.

13:02:47 11 Q. Okay. Who are your relatives in  
13:02:50 12 Dayton?

13:02:50 13 A. That's left?

13:02:51 14 Q. Yeah. Who are the relatives who  
13:02:53 15 are still alive in Dayton?

13:02:54 16 A. David Grillot is a cousin.

13:03:00 17 Q. Anyone else?

13:03:01 18 A. My brother and my ex-wife. I got  
13:03:11 19 two sons, which is Sean and Eddie.

13:03:18 20 Q. Did you say a brother is here in  
13:03:21 21 Dayton?

13:03:22 22 A. Yeah, his name is John.

13:03:22 23 Q. Who is that? John?

13:03:24 24 A. Um-hum.

13:03:26 25 Q. Okay. If -- if me or some of the



13:03:32 1 other defense counsel want to get in touch with  
13:03:35 2 you, what's the best way to reach you?

13:03:39 3 A. Probably my cell phone.

13:03:40 4 Q. Okay. What is your cell phone  
13:03:42 5 number?

13:03:44 6 A. 828 is the area code.

13:03:45 7 Q. 828.

13:03:47 8 A. 226-3388.

13:03:51 9 Q. Is that down in Snow Hill, North  
13:03:54 10 Carolina?

13:03:54 11 A. Actually I got -- that particular  
13:03:57 12 phone in -- close to Ashville. It would be  
13:04:00 13 Franklin, North Carolina.

13:04:02 14 Q. Is there anyone in Dayton we would  
13:04:08 15 contact if we needed to get ahold of you and we  
13:04:12 16 could not get you by cell phone?

13:04:15 17 A. Probably Donna Moeller.

13:04:17 18 Q. Is that the friend you  
13:04:18 19 mentioned --

13:04:18 20 A. Right.

13:04:20 21 Q. -- you were saying with?

13:04:20 22 A. Um-hum.

13:04:20 23 Q. How do you spell her last name?

13:04:20 24 A. M O E L L E R.

13:04:24 25 Q. And what's her telephone number?

13:04:28 1 A. 937-308-0501.

13:04:35 2 Q. Okay. How did you first find out  
13:04:47 3 that you were being asked to come up here and  
13:04:49 4 give a deposition today?

13:04:51 5 A. I had received a phone call from  
13:04:53 6 Donna, she was still up here in Dayton, and  
13:04:56 7 said a gentleman wanted -- or came to her  
13:05:01 8 apartment and was looking for me and that he  
13:05:04 9 was standing there, so she handed the phone to  
13:05:08 10 me, and that was the first I heard of it.

13:05:09 11 Q. Okay. How long had you been in  
13:05:11 12 Dayton at the time the call came in to Donna  
13:05:15 13 asking you to appear again for a deposition?

13:05:17 14 A. I was still in North Carolina,  
13:05:21 15 Snow Hill --

13:05:21 16 Q. Okay.

13:05:22 17 A. -- North Carolina.

13:05:22 18 MR. ROMINE: Objection.

13:05:22 19 Mischaracterizes the testimony. Beyond the scope  
13:05:25 20 of the direct testimony. Beyond -- beyond the  
13:05:33 21 scope of the judge's order.

13:05:36 22 THE WITNESS: Do I go -- go on?

13:05:36 23 BY MR. HAUGHEY:

13:05:36 24 Q. Yes, go ahead. You can -- unless  
13:05:39 25 there's a -- some reason to ask you to not

13:05:42 1 respond, these will be objections and you can  
13:05:44 2 go ahead and answer and then we'll just move  
13:05:46 3 on, okay?

13:05:47 4 A. Okay.

13:05:48 5 Q. Go ahead.

13:05:48 6 A. As I say, I had been staying that  
13:05:51 7 whole winter. Actually I think I been there --  
13:05:55 8 I was there about a year and a half and -- when  
13:05:58 9 I got the phone call. I think that was March  
13:06:00 10 or April.

13:06:05 11 MR. HARBECK: Hey, Steve?

13:06:05 12 MR. HAUGHEY: Yes.

13:06:05 13 MR. HARBECK: Bill Harbeck. Just to  
13:06:06 14 clarify, is he talking about the first deposition  
13:06:08 15 or the second, this deposition?

13:06:10 16 BY MR. HAUGHEY:

13:06:10 17 Q. Yeah. For purposes of this  
13:06:12 18 deposition, where were you when you found out  
13:06:16 19 that you were being asked to appear here today  
13:06:18 20 to give another deposition?

13:06:23 21 A. Here in Dayton.

13:06:25 22 Q. And were you staying with Donna  
13:06:26 23 when you found out?

13:06:27 24 A. Yes.

13:06:27 25 Q. Okay. And did you -- did I hear

13:06:32 1 you correctly, someone called her to raise the  
13:06:35 2 request with her and then she told you, is that  
13:06:38 3 what you said?

13:06:38 4 A. No, the -- the first time that --  
13:06:43 5 a gentleman that works, I think with the  
13:06:47 6 attorneys that are handling this case, Bill, I  
13:06:52 7 don't know his last name, but Bill and I had  
13:06:54 8 been in contact whenever the firm needed to ask  
13:06:59 9 me a question or -- and he called me and said  
13:07:02 10 that, you know, there was a deposition coming  
13:07:05 11 up and it was, I think, the 16th or 19th of  
13:07:09 12 this month.

13:07:10 13 And so then when I -- my health  
13:07:13 14 started deteriorating, I wasn't sure what was  
13:07:17 15 going to happen, so they tried to -- I think  
13:07:19 16 they tried to up it up closer to the beginning  
13:07:22 17 of the month, I think, and then it turned back  
13:07:25 18 to today.

13:07:26 19 Q. Okay. Is that gentleman, Bill, is  
13:07:28 20 his last name Walsh?

13:07:31 21 A. I think so, yeah.

13:07:32 22 Q. Would he be the same person who  
13:07:35 23 contacted you for purposes of the first  
13:07:38 24 deposition last year?

13:07:40 25 A. Correct.

13:07:40 1 Q. Okay. Thank you. Now, you're not  
13:07:43 2 appearing here pursuant to a subpoena, correct?

13:07:45 3 A. No.

13:07:46 4 Q. Okay. So you're appearing here  
13:07:50 5 voluntarily?

13:07:51 6 A. Correct.

13:07:51 7 Q. But you're not being paid,  
13:07:53 8 correct?

13:07:53 9 A. No.

13:07:54 10 Q. Why are you appearing voluntarily  
13:07:57 11 and without being paid?

13:07:58 12 A. You really want to know?

13:07:59 13 Q. Yeah.

13:08:02 14 A. I -- I'm not a -- what you call a  
13:08:07 15 Christian or anything like that, but I believe  
13:08:09 16 from what I did read that, one passage says  
13:08:14 17 he's going to put the ruin to the ones that  
13:08:16 18 ruin the earth.

13:08:17 19 I feel guilty in a lot of ways  
13:08:19 20 that my family had a landfill, and doing a lot  
13:08:22 21 of research, I know it's part of the Agenda 21  
13:08:27 22 issue, and that one of the agendas is to clean  
13:08:30 23 up this earth.

13:08:32 24 So I think it's to clear a  
13:08:35 25 conscience, plus do my duty as a human being on

13:08:39 1 this earth to do what's right.

13:08:42 2 Q. Okay. Did you meet with anyone  
13:08:45 3 before today's deposition to discuss your  
13:08:47 4 testimony today?

13:08:49 5 A. Did I meet with anybody?

13:08:50 6 Q. Yes.

13:08:55 7 A. Yes.

13:08:55 8 Q. Who did you meet with?

13:08:57 9 A. Bill.

13:08:59 10 Q. Okay. When did you meet with him?

13:09:01 11 A. It would have been Sunday about  
13:09:05 12 four o'clock.

13:09:06 13 Q. Where did you meet him?

13:09:09 14 A. The motel -- hotel I'm staying at.

13:09:13 15 Q. Okay. Well, I'm confused. I  
13:09:14 16 thought you had testified earlier that you were  
13:09:16 17 saying with Donna Moeller --

13:09:16 18 A. Right.

13:09:18 19 Q. -- and not a hotel.

13:09:20 20 A. Well, because of money issues, you  
13:09:24 21 know, I'm having trouble paying her for the  
13:09:26 22 rent, and so it was two days or one day I  
13:09:29 23 thought that I wouldn't have to pay, so --

13:09:32 24 Q. Okay. How long did you meet with  
13:09:36 25 Bill Walsh on Sunday?

13:09:38 1 A. Roughly probably an hour. He  
13:09:40 2 got -- he got there like three and he had -- he  
13:09:46 3 said he had something else to do, and so I  
13:09:48 4 drove down after watching the football game  
13:09:50 5 and -- and got there at the motel room and we  
13:09:55 6 got our rooms and went down and ate, and I  
13:10:00 7 think that was -- you know, it was probably an  
13:10:02 8 hour, hour and a half at the most.

13:10:03 9 Q. Okay. What did you talk about?  
13:10:09 10 Let me be more specific. Did you go over  
13:10:09 11 the --

13:10:10 12 A. Mostly the ballgame.

13:10:11 13 Q. Did you go over the names of  
13:10:13 14 customers of the landfill?

13:10:13 15 A. Oh, no. No.

13:10:15 16 Q. Okay. Well, you -- I believe you  
13:10:16 17 testified you talked for an hour and a half, so  
13:10:18 18 what was the conversation about?

13:10:21 19 A. Football game, women and our  
13:10:25 20 weathers. Wanted to know how my job -- or what  
13:10:28 21 was going on with work and personal stuff.

13:10:30 22 Q. Okay. So isn't Mr. Walsh an  
13:10:33 23 investigator working for the plaintiffs' law  
13:10:37 24 firm?

13:10:37 25 A. Yes.

13:10:38 1 Q. Okay. So I'm confused. He took  
13:10:42 2 an hour and a half out of his schedule on  
13:10:44 3 Sunday to meet with you to not talk at all  
13:10:47 4 about your upcoming deposition?

13:10:50 5 A. Well, I -- I don't think he's  
13:10:54 6 actually -- I think he found me and the  
13:10:57 7 attorneys, Larry and -- and whoever else is in  
13:11:03 8 this, I would talk to them about subjects, you  
13:11:06 9 know, on -- you know, that we're talking about.

13:11:09 10 Q. Okay. Did he give you any  
13:11:10 11 documents to review for purposes of your  
13:11:13 12 testimony today?

13:11:14 13 A. No.

13:11:14 14 Q. Okay. Did he ask you to re-review  
13:11:18 15 your 2012 deposition?

13:11:19 16 A. No.

13:11:20 17 Q. Did you read that deposition  
13:11:23 18 again?

13:11:23 19 A. No, because I don't have it.

13:11:24 20 Q. You have no copy of the 2012  
13:11:29 21 deposition, correct?

13:11:30 22 A. No, because I told Bill that I --  
13:11:32 23 or -- or Dave, one, that -- that I had either  
13:11:37 24 lost it or I thought I sent it back to his  
13:11:40 25 firm. I can't remember why, but I couldn't



13:11:42 1 find it.

13:11:43 2 I looked everywhere, but I'm in so  
13:11:48 3 many different locations, and it might be in a  
13:11:49 4 box somewhere, but --

13:11:50 5 Q. Okay. Were you asked to read  
13:11:51 6 anything for purposes of your deposition today?

13:11:52 7 A. Pardon me?

13:11:53 8 Q. Were you asked to read anything  
13:11:56 9 for purposes of your deposition today?

13:11:57 10 A. No.

13:11:58 11 Q. Were you shown any documents of  
13:12:00 12 any kind --

13:12:01 13 A. No.

13:12:01 14 Q. -- by Mr. Walsh?

13:12:02 15 A. No.

13:12:03 16 Q. Did you have any calls or meetings  
13:12:06 17 with anyone else, other than Mr. Walsh, to  
13:12:10 18 discuss today's deposition?

13:12:11 19 A. No.

13:12:11 20 Q. You did not talk with Mr.  
13:12:14 21 Silver --

13:12:14 22 A. No, I --

13:12:16 23 Q. -- for this -- for purposes of  
13:12:17 24 today's deposition?

13:12:18 25 A. No.

13:12:18 1 Q. Okay. And did you talk with Mr.  
13:12:18 2 Romine?

13:12:20 3 A. No.

13:12:20 4 Q. Okay. Thank you. Now, when you  
13:12:27 5 gave the deposition in 2012, were you  
13:12:29 6 represented by legal counsel in that  
13:12:31 7 deposition?

13:12:32 8 A. No.

13:12:33 9 Q. Okay. Did you meet with -- it's  
13:12:41 10 true that you met with Mr. Silver and Mr. Walsh  
13:12:43 11 for preparation purposes for that deposition,  
13:12:45 12 correct?

13:12:48 13 A. I don't think I -- we prepped  
13:12:51 14 anything. It was just they -- I didn't know  
13:12:54 15 where the place was, so Bill picked me up.

13:12:58 16 When I got there, Larry and some  
13:12:59 17 other woman was there, and he just said are you  
13:13:03 18 ready to go, and -- and pretty much said -- I  
13:13:07 19 was real kind of nervous, and so they assured  
13:13:11 20 me everything would be okay, just tell them  
13:13:14 21 what I knew and that was it.

13:13:15 22 Q. When you gave the deposition in  
13:13:17 23 April of 2012 -- do you remember that?

13:13:20 24 A. Yeah.

13:13:20 25 Q. Do you remember whether you were

13:13:23 1 shown a list of names of potential customers of  
13:13:26 2 the landfill before the deposition was taken?

13:13:28 3 A. No, because he -- he did -- Larry  
13:13:32 4 did like Dave just did, read them in lists and  
13:13:37 5 wanted to know if I remembered them.

13:13:40 6 Q. Okay. So before the April, 2012,  
13:13:43 7 deposition, you were not provided a list, but  
13:13:46 8 you were read names off of a list --

13:13:46 9 A. No.

13:13:49 10 Q. -- is that correct?

13:13:49 11 A. Yes. Yes.

13:13:51 12 Q. Okay. And was that for purposes  
13:13:53 13 of asking you if you remembered whether a  
13:13:57 14 particular customer used the landfill?

13:13:59 15 A. Correct.

13:13:59 16 Q. Have any of the plaintiffs in this  
13:14:08 17 case or their lawyers ever indicated to you  
13:14:11 18 that it was in your best interest to identify  
13:14:14 19 as many customers as possible using the  
13:14:17 20 landfill?

13:14:17 21 A. No.

13:14:17 22 Q. Okay. Did you --

13:14:20 23 MR. COUGHLIN: What was the -- I  
13:14:20 24 couldn't hear the answer.

13:14:20 25 BY MR. HAUGHEY:

13:14:22 1 Q. Do you want to repeat the answer,  
13:14:24 2 please?

13:14:24 3 A. No.

13:14:25 4 Q. Okay. Has anyone else ever told  
13:14:27 5 you that it was in your best interests to  
13:14:30 6 remember as many users of the landfill as  
13:14:33 7 possible?

13:14:33 8 A. No.

13:14:33 9 Q. Okay. Were you part of a  
13:14:36 10 settlement with Ohio EPA or US EPA regarding  
13:14:41 11 your family's alleged liability at this site?

13:14:44 12 A. I don't understand -- I don't  
13:14:45 13 understand the question.

13:14:46 14 Q. Did you sign any settlements with  
13:14:49 15 Ohio EPA or US EPA in order to obtain your  
13:14:53 16 inheritance from your father?

13:14:54 17 A. Well, it wasn't to inherit -- get  
13:14:55 18 the inheritance, it was to release us of -- we  
13:15:00 19 had to pay a large sum of money, and it was  
13:15:04 20 kind of split between the Boeschs, my stepmom  
13:15:09 21 and the siblings of my dad, and that would  
13:15:12 22 release us from any further legal aspects of  
13:15:18 23 it. Yeah, I do -- I do remember that.

13:15:20 24 Q. Okay. And did you sign that  
13:15:21 25 agreement?

13:15:22 1 A. Yes, I did.

13:15:22 2 Q. Did the -- do you have a copy of  
13:15:26 3 the agreement?

13:15:28 4 A. And, again, I do, but -- I know I  
13:15:29 5 got that, but I don't know where it is.

13:15:31 6 Q. Do you know if you provided a copy  
13:15:33 7 of that agreement to counsel for plaintiffs?

13:15:37 8 A. They didn't ask me for it, so --

13:15:39 9 Q. Okay. Do you know if that  
13:15:40 10 agreement required, as a condition of your  
13:15:44 11 release, that you cooperate in future  
13:15:48 12 proceedings regarding this site?

13:15:49 13 A. No, I don't think so.

13:15:50 14 Q. Okay.

13:15:54 15 A. Because that -- I think that's  
13:15:55 16 what the release form was doing, we wouldn't  
13:15:58 17 have to get involved in anything prior to that  
13:16:03 18 signature.

13:16:03 19 Q. When you drove up for your April,  
13:16:06 20 2012, deposition from North Carolina, do you  
13:16:10 21 remember that?

13:16:10 22 A. Yes.

13:16:10 23 Q. Okay. Were you paid for mileage  
13:16:12 24 for that deposition?

13:16:13 25 A. Yes.

13:16:13 1 Q. Who paid you for that?

13:16:15 2 A. I'm not -- Bill is actually the  
13:16:19 3 one that gave me a check, but I think -- I  
13:16:22 4 don't know who -- you know, if it came from  
13:16:25 5 Larry or who it came from.

13:16:26 6 Q. Okay. Were you paid for a hotel  
13:16:28 7 as well?

13:16:28 8 A. No.

13:16:29 9 Q. Were you paid for food?

13:16:30 10 A. No.

13:16:30 11 Q. Were you served a subpoena or did  
13:16:32 12 you come up voluntarily?

13:16:34 13 A. I came up voluntarily.

13:16:36 14 Q. So to the best of your  
13:16:38 15 recollection, you can only remember paying  
13:16:39 16 for -- being paid for mileage?

13:16:41 17 A. Right.

13:16:41 18 Q. Okay. Let's talk a little bit  
13:16:57 19 about your health. Do you know that your  
13:17:01 20 deposition today is being taken to preserve  
13:17:04 21 your testimony because of a concern by  
13:17:08 22 plaintiffs that you have serious health  
13:17:11 23 conditions?

13:17:11 24 A. Right.

13:17:12 25 Q. Are you presently on any

13:17:17 1 medications now?

13:17:18 2 A. Yes.

13:17:18 3 Q. Okay. Could you tell us what  
13:17:20 4 those medications are, please?

13:17:21 5 A. I take Trazodone, a hundred  
13:17:25 6 milligram, at bedtime for sleep, and I take  
13:17:28 7 what's called Tramadol, 50 milligram, for my  
13:17:35 8 arthritis and my joints. That's it.

13:17:42 9 Q. Do you take any medications for  
13:17:46 10 any mood swings or bipolar conditions?

13:17:49 11 A. I had for a while. I think I  
13:17:51 12 started when -- I think '08 and then I weaned  
13:17:57 13 myself off of them, so --

13:18:00 14 Q. By '08, do you mean 2008?

13:18:02 15 A. Yeah, 2008.

13:18:04 16 Q. Have you -- have you been  
13:18:08 17 diagnosed with any life-threatening conditions  
13:18:08 18 that you know of?

13:18:13 19 MR. ROMINE: Objection. Calls for  
13:18:14 20 opinion.

13:18:14 21 THE WITNESS: No.

13:18:14 22 BY MR. HAUGHEY:

13:18:14 23 Q. To the best of your knowledge,  
13:18:17 24 have you been diagnosed by a doctor with any  
13:18:21 25 terminal condition?

13:18:23 1 A. No, but I -- I feel it. I feel  
13:18:27 2 like I'm dying, you know. I have really hard  
13:18:30 3 times dealing with some of it, so I don't know  
13:18:33 4 what it is, and I don't have the money or the  
13:18:35 5 means to have it all checked out, so --

13:18:37 6 Q. The medication that you discussed  
13:18:41 7 about taking for sleep, do you take that every  
13:18:46 8 night?

13:18:46 9 A. Yes, um-hum.

13:18:47 10 Q. Okay. You cannot sleep without  
13:18:49 11 it?

13:18:50 12 A. I can sleep, but I wake up. If I  
13:18:53 13 have to go to the bathroom, I have a hard time  
13:18:56 14 going back to sleep, so it pretty much keeps me  
13:18:59 15 rested through the night.

13:19:01 16 Q. Okay. Are you on any medications  
13:19:07 17 for your pancreas?

13:19:10 18 A. Yes.

13:19:11 19 Q. Okay. What is the condition  
13:19:12 20 there?

13:19:13 21 A. Oh, I thought you was going to ask  
13:19:15 22 me the name of it, and I -- it seems to  
13:19:20 23 diminish the pressure or whatever goes on when  
13:19:22 24 I feel a real tightness for -- I thought it was  
13:19:28 25 something else, and -- and -- with the



13:19:31 1 breathing, I can't remember the name of the  
13:19:33 2 organ but I always thought it was that, but  
13:19:36 3 when they finally found it was the pancreas and  
13:19:39 4 where it was located, I realized that was  
13:19:43 5 probably the source.

13:19:45 6 Q. Has that medication helped the  
13:19:48 7 pancreatitis?

13:19:48 8 A. A little bit, yeah.

13:19:50 9 Q. Okay. Do you have any income to  
13:19:57 10 pay for the medications that you're currently  
13:19:59 11 taking?

13:20:02 12 A. I -- you know, I do some -- I'm  
13:20:05 13 helping the doctor out right now remodel his  
13:20:07 14 bathroom, so -- and that gives me a little  
13:20:13 15 money to pay my phone, get my -- pay for my  
13:20:16 16 insurance -- car insurance and --

13:20:17 17 Q. When you -- by referencing the  
13:20:19 18 doctor, are you talking about the doctor that  
13:20:21 19 made your diagnosis?

13:20:22 20 A. No. No.

13:20:22 21 Q. Okay. It's a different doctor,  
13:20:23 22 correct?

13:20:23 23 A. Correct.

13:20:24 24 Q. Okay. I'm going to go through a  
13:20:32 25 series of names that I have seen associated in

13:20:35 1 one form or another with the landfill, and what  
13:20:38 2 I'd like you to do with each name is tell me,  
13:20:40 3 do you remember them, okay? Do you remember  
13:20:43 4 what their connection was to the landfill.  
13:20:46 5 Whether they ever worked at the landfill and if  
13:20:50 6 they're alive today and if you know where they  
13:20:52 7 are, okay? So we'll do those all in order.

13:20:55 8 A. Okay.

13:20:55 9 Q. Cyril Grillot?

13:20:56 10 A. He's deceased.

13:20:59 11 Q. Okay. And that's your father,  
13:20:59 12 correct?

13:20:59 13 A. Correct.

13:21:00 14 Q. Now, he purchased the site  
13:21:02 15 originally, correct?

13:21:03 16 A. Yes.

13:21:05 17 MR. ROMINE: Objection to the extent  
13:21:06 18 that it covers ground that was covered in his 2012  
13:21:09 19 deposition.

13:21:10 20 BY MR. HAUGHEY:

13:21:10 21 Q. Okay. Did he purchase it with a  
13:21:14 22 man by the name of Fink?

13:21:16 23 A. Yeah.

13:21:16 24 MR. ROMINE: Same objection.

13:21:17 25 THE WITNESS: How did you know?

13:21:18 1 Yeah. Yeah.

13:21:19 2 BY MR. HAUGHEY:

13:21:19 3 Q. Who is Fink?

13:21:20 4 A. Dad called --

13:21:20 5 MR. ROMINE: Same objection.

6 THE WITNESS: -- him old man Fink  
7 and --

8 (Thereupon, the court reporter  
9 interrupted the proceedings.)

10 MR. HAUGHEY: Yeah, can we go off --  
11 can we go off the record?

13:21:28 11  
13:21:29 12 (Thereupon, an off-the-record  
13 discussion was had.)

13:22:52 14 MR. HAUGHEY: Okay. We'll go back  
13:22:53 15 on. Go ahead, David.

13:22:55 16 MR. ROMINE: I have a continuing  
13:22:56 17 objection to the questions about Mr. Grillot's  
13:23:03 18 father's purchase of the dump and background  
13:23:07 19 information about the dump and Mr. Grillot's  
13:23:09 20 childhood, because Judge Rice said don't go over  
13:23:13 21 details about that kind of thing.

13:23:13 22 (Thereupon, the court reporter  
13:23:13 23 interrupted the proceedings.)

13:23:13 24 MR. HAUGHEY: We will repeat the  
13:23:23 25 question. I want to go on the record as saying

13:23:25 1 that that's not our interpretation of Judge Rice's  
13:23:29 2 instructions, and that we do not feel that asking  
13:23:33 3 Mr. Grillot about the 2012 deposition retreads new  
13:23:37 4 ground -- or retreads old ground with respect to  
13:23:39 5 the Hobart two and three defendants who had no  
13:23:43 6 notice and no opportunity to be involved in that  
13:23:47 7 2012 deposition.

13:23:48 8 With that said, we're accepting a  
13:23:51 9 continuing objection from plaintiffs' counsel on  
13:23:55 10 those questions. Okay. Thank you.

13:23:55 11 BY MR. HAUGHEY:

13:23:58 12 Q. Okay. The next person, Alcine --

13:23:58 13 A. Alcine.

13:24:01 14 Q. -- Grillot? Alcine Grillot?

13:24:01 15 A. Yes. He's deceased.

13:24:05 16 Q. Okay. And wasn't he Cyril's  
13:24:07 17 brother?

13:24:08 18 A. Correct.

13:24:10 19 Q. Okay. As I recall your  
13:24:11 20 deposition, he really ran the landfill, even  
13:24:15 21 though Cyril owned the property, correct?

13:24:17 22 A. Correct.

13:24:17 23 Q. Okay. Wasn't another brother,  
13:24:22 24 Kenneth, another one of the prime operators of  
13:24:23 25 the landfill along with Alcine?

13:24:28 1 A. Kenny was overseer, I guess you  
13:24:32 2 would call, and did the money taking and so on  
13:24:37 3 and so forth, so I don't know what title he  
13:24:39 4 would have had, but --

13:24:40 5 Q. Okay. Well, let me ask you about  
13:24:41 6 those -- those two in terms of how they ran the  
13:24:44 7 landfill. Who -- did Al -- what was Alcine's  
13:24:47 8 role in the day-to-day operation of the  
13:24:50 9 landfill?

13:24:52 10 A. He was mayor of Moraine City. I  
13:24:58 11 think it was called the Moraine Township at the  
13:25:01 12 time, and he basically -- that was his daytime  
13:25:06 13 pretty much thing, and he would come down to  
13:25:09 14 the dump early afternoon, late in the evening,  
13:25:13 15 and bull -- till I came along, he would  
13:25:15 16 bulldoze stuff down on the pit and -- but  
13:25:18 17 that's all, you know --

13:25:20 18 Q. Did he go out and solicit  
13:25:22 19 customers to -- to bring waste to the landfill?

13:25:25 20 A. I don't know that.

13:25:26 21 Q. Okay. You -- I think -- I believe  
13:25:27 22 you mentioned that Kenneth was involved with,  
13:25:30 23 as you termed it, the money?

13:25:30 24 A. Right.

13:25:33 25 Q. In what way was he involved with

13:25:34 1 the money?

13:25:35 2 A. Well, when a particular client  
13:25:41 3 would come in front of the office, he would  
13:25:44 4 walk out, and if it was a public person  
13:25:49 5 dropping off something, then he would collect  
13:25:51 6 cash, but then when a company that did it quite  
13:25:56 7 often, he'd fill out a slip and hand it to the  
13:26:01 8 driver and then -- then he kept another part of  
13:26:07 9 the slip and put it on the desk, and so --

13:26:10 10 Q. Okay. We'll talk a little more  
13:26:14 11 about -- those are the dump tickets, correct?

13:26:16 12 A. Correct.

13:26:16 13 Q. What about Cecil Grillot?

13:26:18 14 A. Cecil was a brother. He's  
13:26:18 15 deceased.

13:26:22 16 Q. Okay. And what was his role, if  
13:26:23 17 anything, at the landfill?

13:26:26 18 A. None that -- other than he was a  
13:26:29 19 stone mason, and he pretty much did a lot of  
13:26:35 20 stone masonry for friends and relatives and so  
13:26:40 21 on and so forth.

13:26:42 22 Q. Okay. So basically your answer is  
13:26:44 23 he had no real involvement --

13:26:44 24 A. No.

13:26:46 25 Q. -- with the landfill, correct?

13:26:47 1 A. Correct.

13:26:47 2 Q. Okay. How about Horace, I believe  
13:26:49 3 you said, Boesch?

13:26:50 4 A. Boesch.

13:26:51 5 Q. Okay. So it's not Boesch?

13:26:53 6 A. Boesch, B-O-E-S-C-H.

13:26:56 7 Q. Okay. Let's do Horace Boesch, not  
13:26:58 8 Horace -- or Horace Boesch, Jr. Let's do  
13:27:02 9 Horace Boesch first. Who is Horace Boesch?

13:27:05 10 A. Horace was my dad's partner. He  
13:27:10 11 was an attorney and my Godparent.

13:27:16 12 Q. Did he represent Cyril as an  
13:27:18 13 attorney?

13:27:20 14 A. They worked together on particular  
13:27:23 15 things, especially purchasing property. He  
13:27:26 16 would do the title search and da, da, da, da.

13:27:28 17 Q. What was his involvement, if  
13:27:30 18 anything, in the day-to-day operation of the  
13:27:32 19 landfill?

13:27:32 20 A. He wasn't.

13:27:34 21 Q. Okay. Now, I believe he had a  
13:27:36 22 son, Horace Boesch, Jr., correct?

13:27:39 23 A. His name was Jack Boesch actually.

13:27:42 24 Q. Okay. So he -- but he -- his real  
13:27:43 25 name was Horace, correct?

13:27:44 1 A. Um-hum.

13:27:44 2 Q. But he went by Jack?

13:27:45 3 A. Um-hum.

13:27:46 4 Q. All right. Was he involved with  
13:27:51 5 the landfill?

13:27:54 6 A. No. No.

13:27:56 7 Q. He didn't do any salvage work when  
13:27:58 8 he was growing up at the landfill?

13:28:00 9 MR. ROMINE: Asked and answered.

13:28:02 10 THE WITNESS: They had purchased a  
13:28:08 11 airport hangar from Wright-Patterson Air Force  
13:28:12 12 Base, and this was the story Jack told me, because  
13:28:16 13 my dad and I didn't get along sometimes, and he  
13:28:18 14 was saying that he got the best of Dad and his  
13:28:21 15 father, his own father, because they -- when they  
13:28:23 16 went over to tear the thing down, Jack had  
13:28:25 17 marked -- made marks on all the panels.

13:28:27 18 Well, when they got back to the dump  
13:28:29 19 to put it back together, they couldn't figure  
13:28:31 20 out, and Jack said that he had taken and marked it  
13:28:33 21 and they had to pay him to put it back together,  
13:28:37 22 so that's only thing I -- he -- he helped at one  
13:28:37 23 time.

13:28:37 24 BY MR. HAUGHEY:

13:28:39 25 Q. He helped with -- okay. Was he --



13:28:41 1 did he play there growing up?

13:28:41 2 A. Pardon me?

13:28:43 3 Q. Did he play there growing up?

13:28:46 4 A. He was more -- he was a lot older  
13:28:49 5 and he was into real estate, I think.

13:28:52 6 Q. Okay. Your testimony about him  
13:28:57 7 marking a hangar and then reassembling it at  
13:29:02 8 the site, I take it you thought he was pretty  
13:29:02 9 smart?

13:29:06 10 A. For doing that, yeah.

13:29:06 11 Q. Okay. Didn't he go to law school?

13:29:08 12 A. I think he -- for a while. I  
13:29:10 13 think he tried. I think -- I don't know if he  
13:29:12 14 was an actual attorney or not, because there  
13:29:17 15 was so many brothers in the Boesch family that  
13:29:18 16 were prominent lawyers here in Dayton, that I  
13:29:21 17 don't remember.

13:29:21 18 Q. Would he have a good memory of the  
13:29:25 19 site operations?

13:29:26 20 MR. ROMINE: Objection. Calls for  
13:29:28 21 opinion. Object to the form.

13:29:29 22 BY MR. HAUGHEY:

13:29:29 23 Q. In your opinion, would -- in your  
13:29:31 24 opinion, would he have a good memory of what  
13:29:33 25 took place at the landfill?

13:29:35 1 MR. ROMINE: Objection to the form of  
13:29:36 2 the question.

13:29:37 3 THE WITNESS: Probably.

13:29:37 4 BY MR. HAUGHEY:

13:29:38 5 Q. Okay. Would he perhaps have a  
13:29:39 6 better memory than you, in your opinion?

13:29:41 7 MR. ROMINE: Calls for opinion.  
13:29:43 8 Object to the form of the question.

13:29:44 9 THE WITNESS: No.

13:29:45 10 BY MR. HAUGHEY:

13:29:45 11 Q. No. Why not?

13:29:47 12 MR. ROMINE: Same objection.

13:29:48 13 THE WITNESS: I was there almost  
13:29:49 14 every day and -- and then when I would help sort  
13:29:54 15 all the dump receipts or the little cards that  
13:29:59 16 would -- I'd have to sort them out and -- by  
13:30:02 17 alphabetical order, staple them together, and then  
13:30:05 18 they would go to Alcine's house where his wife did  
13:30:09 19 the book work.

13:30:10 20 BY MR. HAUGHEY:

13:30:10 21 Q. Okay.

13:30:11 22 A. Her name was Leone, and she's  
13:30:14 23 deceased.

13:30:18 24 Q. Okay. If I understood you  
13:30:19 25 correctly, you would take the dump tickets and

13:30:22 1 you would staple them together and then you  
13:30:24 2 would give them to whose wife to do the  
13:30:27 3 billing?

13:30:27 4 A. Alcine would -- if he came that  
13:30:29 5 evening to push the debris over, then he'd pick  
13:30:35 6 them up. Usually it was Friday, because all of  
13:30:38 7 us expected, you know, to get paid that day  
13:30:41 8 and -- and so he'd do everything at once.

13:30:48 9 Q. Okay. How much older was Jack  
13:30:52 10 than you?

13:30:55 11 A. I -- if not ten years, maybe 12,  
13:30:57 12 13 years older.

13:30:59 13 Q. So wouldn't it be fair to say he'd  
13:31:01 14 have a better memory --

13:31:03 15 MR. ROMINE: Objection.

13:31:03 16 BY MR. HAUGHEY:

13:31:03 17 Q. -- when he was at the site before  
13:31:05 18 you --

13:31:05 19 A. Yeah.

13:31:05 20 MR. ROMINE: Objection. Asked and  
13:31:05 21 answered.

13:31:06 22 BY MR. HAUGHEY:

13:31:06 23 Q. -- were old enough to --

13:31:06 24 A. Yeah.

13:31:08 25 MR. ROMINE: Objection to the form of

13:31:09 1 the question. Calls for opinion.

13:31:09 2 BY MR. HAUGHEY:

13:31:09 3 Q. Okay. How long was the  
13:31:10 4 landfill -- the landfill was opened in the  
13:31:12 5 '50s, too, wasn't it?

13:31:13 6 A. I think somewhere in the early  
13:31:18 7 '50s maybe.

13:31:18 8 Q. And I believe you were born in  
13:31:19 9 1952, correct?

13:31:20 10 A. Correct.

13:31:21 11 Q. And I believe you just testified  
13:31:22 12 that he was close to ten years older than you,  
13:31:24 13 correct?

13:31:24 14 A. Right.

13:31:25 15 Q. So didn't you also testify on  
13:31:27 16 direct that your earliest memory at the  
13:31:30 17 landfill was sometime around eight years old or  
13:31:30 18 so?

13:31:32 19 A. Yeah.

13:31:32 20 Q. So that would be around 1960,  
13:31:34 21 correct?

13:31:34 22 A. Correct.

13:31:35 23 Q. So wouldn't Jack's memory of what  
13:31:37 24 took place at the landfill be better than yours  
13:31:40 25 between the period of 1950 and 1960?

13:31:42 1 MR. ROMINE: Objection. Asked and  
13:31:44 2 answered. It calls for opinion.

13:31:45 3 THE WITNESS: No, because I think he  
13:31:46 4 was off to college somewhere, at a Catholic school  
13:31:49 5 somewhere.

13:31:49 6 MR. HARBECK: Mr. Grillot, could you  
13:31:50 7 speak up just a little for us down at the end of  
13:31:53 8 the table?

13:31:54 9 THE WITNESS: Sure.

13:31:54 10 MR. HARBECK: Thank you.

13:31:54 11 THE WITNESS: Do you need me to  
12 repeat what I just said?

13 13 MR. HARBECK: Yes. Well, maybe  
14 the court reporter can read it back. I didn't  
15 hear -- I didn't hear a word. We'll let her read  
16 it back.

13:32:12 17 (Record read.)

13:32:12 18 BY MR. HAUGHEY:

13:32:13 19 Q. We'll come back to the dump  
13:32:16 20 tickets and Leone's role in those, but I wanted  
13:32:17 21 to continue on with the list of names I have.

13:32:19 22 How about Katherine Boesch?

13:32:23 23 A. Kathy was Horace's original  
13:32:26 24 secretary when he had his office somewhere  
13:32:30 25 downtown here.

13:32:31 1 Q. Horace, Sr., not Jr.?

13:32:34 2 A. Sr., right.

13:32:35 3 Q. Okay. Was he married -- was he  
13:32:40 4 married to her, too?

13:32:41 5 A. At the very end of his life, yes.

13:32:45 6 Q. Okay. How about -- what role, if  
13:32:48 7 anything, did she have in the landfill?

13:32:50 8 A. None.

13:32:50 9 Q. How about Marjorie Grillot?

13:32:53 10 A. Margaret.

13:32:53 11 Q. Okay. Margaret.

13:32:58 12 A. That was my stepmom.

13:33:00 13 Q. Okay. And was she -- so she --  
13:33:05 14 was she Cyril's first or second wife?

13:33:07 15 A. Fifth wife.

13:33:09 16 Q. Okay. Okay. Sorry. What role,  
13:33:14 17 if anything, did Margaret have in the operation  
13:33:17 18 of the landfill?

13:33:19 19 A. None -- none at all.

13:33:21 20 Q. She didn't send any bills out or  
13:33:23 21 collect invoices or anything?

13:33:24 22 A. No. No.

13:33:26 23 Q. Okay. Okay. How about Ruby  
13:33:27 24 Grillot?

13:33:28 25 A. Which one?

13:33:30 1 Q. Ruby Grillot.

13:33:32 2 A. Well, there's two.

13:33:33 3 Q. Oh, okay. So Cyril was married to  
13:33:36 4 two different women named Ruby?

13:33:39 5 A. No, his son's -- my stepbrother  
13:33:41 6 was named Ruby, also, and so they got a lot of  
13:33:46 7 confusion with mail, because his name was  
13:33:49 8 Cyril, Jr., and -- and Ruby, and then Dad -- or  
13:33:55 9 Cyril and Ruby, so they got mail switched up,  
13:33:59 10 so, you know.

13:33:59 11 Q. Well, maybe I can help you  
13:34:03 12 simplify it. Anyone going by the name of Ruby,  
13:34:04 13 okay?

13:34:05 14 A. That was my mom.

13:34:06 15 Q. Yeah. What did anyone going by  
13:34:09 16 the name of Ruby have by way of any duties  
13:34:11 17 or -- or involvement at the landfill?

13:34:13 18 A. None.

13:34:14 19 Q. Okay. Thank you. How about David  
13:34:14 20 Grillot?

13:34:18 21 A. Dave worked -- he's my cousin, and  
13:34:21 22 Dave worked with me on the incinerator.

13:34:23 23 Q. Okay. How old is David compared  
13:34:26 24 to you?

13:34:27 25 A. Two or three years older.

13:34:28 1 Q. Is he still alive?

13:34:30 2 A. Yes.

13:34:30 3 Q. Where does he live?

13:34:32 4 A. I believe Moraine. I mean,  
13:34:36 5 Miamisburg somewhere. West Carrollton. West  
13:34:39 6 Carrollton, on Munger Road, I think.

13:34:41 7 Q. Is he Alcine's son?

13:34:43 8 A. Yeah.

13:34:43 9 Q. Did he spend a lot of time growing  
13:34:47 10 up at the landfill?

13:34:48 11 A. Yeah.

13:34:48 12 Q. Did he work part-time at the  
13:34:50 13 landfill with you?

13:34:51 14 A. Not with me. Well, on -- yeah.  
13:34:56 15 Yes. Yes.

13:34:59 16 Q. Okay. Did he -- was he involved  
13:35:00 17 in some of the salvaging operations along with  
13:35:03 18 you, pulling out iron and metal and what have  
13:35:05 19 you?

13:35:05 20 A. I let him do the tractor because I  
13:35:08 21 didn't like getting close to that fire, so he  
13:35:11 22 mainly did that and I did the hard part by  
13:35:14 23 stacking the skids and --

13:35:15 24 Q. Okay. Do you know if his  
13:35:16 25 deposition has been taken?



13:35:18 1 A. I don't know.

13:35:19 2 Q. Do you know if he's given any  
13:35:21 3 sworn statements about the site?

13:35:23 4 A. I don't know.

13:35:24 5 Q. What's his health like?

13:35:27 6 A. Pretty good.

13:35:28 7 Q. Good. Okay. So do you know why  
13:35:31 8 no one has sought to take his deposition?

13:35:37 9 A. No, other than he just don't like  
13:35:40 10 talking about it.

13:35:40 11 Q. As opposed to you?

13:35:43 12 A. Huh?

13:35:43 13 Q. As opposed to you?

13:35:45 14 A. Right.

13:35:46 15 Q. Okay. How about his recollection?  
13:35:50 16 How would you measure his recollection of what  
13:35:52 17 took place at the site compared to, say, yours?

13:35:54 18 MR. ROMINE: Objection. Calls for  
13:35:55 19 opinion. Object to the form of the question.

13:35:58 20 THE WITNESS: David didn't come in  
13:36:00 21 the picture probably till somewhere in -- he  
13:36:10 22 worked there part-time, like in the '60s, but the  
13:36:14 23 '70s he started coming more around because he --  
13:36:15 24 his job allowed him to do so, I think, and -- so  
13:36:22 25 what was the question again?

13:36:22 1 BY MR. HAUGHEY:

13:36:24 2 Q. Well, just comparative. If you  
13:36:26 3 had to have an opinion, would he have as good a  
13:36:29 4 recollection of what took place at the site as  
13:36:32 5 you, not as good or better? What would be your  
13:36:33 6 opinion?

13:36:34 7 MR. ROMINE: Same objection.

13:36:35 8 THE WITNESS: My -- my opinion,  
13:36:36 9 because I was told by him that he was jealous of  
13:36:39 10 my ambition on the dump, and when I got to run the  
13:36:44 11 bulldozer, it was like I stepped way over his head  
13:36:46 12 and he felt -- he said he had bad blood with me,  
13:36:49 13 so, of course, I had a rivalry there, I guess.

13:36:55 14 BY MR. HAUGHEY:

13:36:55 15 Q. Okay. All right. How about Mike  
13:36:59 16 Wendling, W-E-N-D-L-I-N-G?

13:37:04 17 A. Cousin

13:37:04 18 Q. Cousin. Okay. Who's his father  
13:37:04 19 and mother?

13:37:09 20 A. It would have been Amos. Let's  
13:37:12 21 see, wait. No.

13:37:12 22 Q. I'm trying to figure out how is he  
13:37:15 23 your cousin.

13:37:15 24 A. Petey -- Petey Wendling, he was my  
13:37:18 25 dad's sister's son.

13:37:18 1 Q. Okay.

13:37:21 2 MR. COUGHLIN: Would you say that  
13:37:21 3 name again, please?

13:37:22 4 THE WITNESS: Yeah, it was my dad's  
13:37:23 5 sister's son.

13:37:24 6 MR. COUGHLIN: And what was the name?

13:37:25 7 THE WITNESS: Yeah, her name was --  
13:37:31 8 what was it? Margie, Margie Brown was her last  
13:37:42 9 given name.

13:37:43 10 MR. COUGHLIN: Thank you.

13:37:50 11 BY MR. HAUGHEY:

13:37:50 12 Q. Okay. How well did you know Mike  
13:37:56 13 Wendling as a cousin?

13:37:58 14 A. Very well.

13:37:59 15 Q. Okay. As I recall, he -- from  
13:38:03 16 your deposition in 2012, he worked at the site  
13:38:05 17 a lot with you, correct?

13:38:08 18 A. Yeah. Yes. Yeah.

13:38:10 19 Q. Okay. Now, didn't he graduate  
13:38:12 20 from Centerville High School?

13:38:13 21 A. Yes.

13:38:13 22 Q. All right. And didn't he at one  
13:38:15 23 time work for the county engineers?

13:38:17 24 A. I don't know that.

13:38:19 25 Q. Okay. Would -- how would -- if

13:38:24 1 you were rating his memory of what took place  
13:38:26 2 at the landfill compared to yours, how would  
13:38:29 3 you rate him? Do you think he would be as good  
13:38:36 4 a memory, not as good, better? What do you  
13:38:36 5 think?

13:38:36 6 MR. ROMINE: Objection to the form of  
13:38:36 7 the question. It calls for opinion.

13:38:36 8 THE WITNESS: Not as good as mine.

13:38:39 9 BY MR. HAUGHEY:

13:38:39 10 Q. Okay. And he was older than you,  
13:38:41 11 correct?

13:38:41 12 A. Correct.

13:38:41 13 Q. How much older?

13:38:44 14 A. He's six -- five years older than  
13:38:47 15 me.

13:38:47 16 Q. So would he not then have a --  
13:38:50 17 perhaps a better memory when he -- when you  
13:38:50 18 were younger than you?

13:38:54 19 MR. ROMINE: Objection. Asked and  
13:38:54 20 answered. It calls for opinion. Form of the  
13:38:54 21 question.

13:38:56 22 THE WITNESS: No, because the  
13:38:56 23 early -- his involvement was more for fun. Margie  
13:39:02 24 had like 14 kids and they all came down to play on  
13:39:06 25 the dump, and -- and so it was more -- but Mike

13:39:13 1 was more -- he ended up being a manager -- manager  
13:39:18 2 for a grocery chain in Dayton at one time, so he  
13:39:21 3 was pretty much into that, so --

13:39:21 4 BY MR. HAUGHEY:

13:39:22 5 Q. Okay. So he was a pretty  
13:39:24 6 intelligent man, correct?

13:39:25 7 A. Yeah.

13:39:25 8 Q. Let's -- let's stick with Mike.  
13:39:28 9 Would you have any reason to believe that he  
13:39:29 10 would be less than truthful about what he  
13:39:31 11 remembered about the landfill operations?

13:39:35 12 MR. ROMINE: I -- I object to this.  
13:39:36 13 This is going way beyond what I talked about when  
13:39:39 14 I asked him about this morning and going way  
13:39:41 15 beyond the scope of Judge Rice's order.

13:39:42 16 THE WITNESS: Could you please repeat  
13:39:43 17 the question?

13:39:44 18 BY MR. HAUGHEY:

13:39:44 19 Q. Yeah. Sure. Do you have any  
13:39:45 20 reason to believe that Mike would be less than  
13:39:49 21 truthful if asked about what he remembers about  
13:39:52 22 the landfill operations?

13:39:52 23 MR. ROMINE: Same objection.  
13:39:54 24 Opinion.

13:39:54 25 THE WITNESS: He would be --

13:39:54 1 BY MR. HAUGHEY:

13:39:57 2 Q. Would he be truthful?

13:39:58 3 A. Yeah. Yeah. Yes.

13:39:59 4 Q. Okay. How about Horace Boesch,  
13:40:02 5 Jr., would he be as truthful?

13:40:04 6 MR. ROMINE: Same objection.

13:40:04 7 THE WITNESS: Yes.

13:40:04 8 BY MR. HAUGHEY:

13:40:05 9 Q. Okay. Is there anyone who worked  
13:40:08 10 at the landfill with you or around you who you  
13:40:13 11 would think, if asked today, would be less than  
13:40:17 12 truthful about what took place at the landfill?

13:40:19 13 MR. ROMINE: Same objection.

13:40:20 14 THE WITNESS: No.

13:40:20 15 BY MR. HAUGHEY:

13:40:21 16 Q. Okay. How about Tim Wendling?

13:40:27 17 A. Tim was a brother of Mike, and the  
13:40:32 18 only time he came down is to collect items off  
13:40:36 19 the dump for his mom. She -- she ran a garage  
13:40:41 20 sale all year round, and so the items she got,  
13:40:45 21 so, you know.

13:40:46 22 Q. Okay. That's interesting. Did  
13:40:50 23 you supply Tim and Mike's mom with items to be  
13:40:55 24 sold at a garage sale that came from the  
13:40:58 25 landfill?

13:41:00 1 A. No, because my interest was in TVs  
13:41:02 2 and radios and -- so, you know.

13:41:05 3 Q. All right. How about Butch  
13:41:11 4 Grillo?

13:41:11 5 A. Butch, he was my cousin.

13:41:19 6 Q. And who's -- which one of your  
13:41:23 7 dad's brothers is he the son of?

13:41:23 8 A. Cecil.

13:41:28 9 Q. Cecil. Okay. Was he involved at  
13:41:29 10 all at the landfill?

13:41:29 11 A. Oh, yeah.

13:41:30 12 Q. Was he alongside you and Mike and  
13:41:34 13 others at various times in the landfill?

13:41:37 14 A. Butch was a lot older than -- than  
13:41:38 15 I was, and we were like brothers.

13:41:41 16 Q. Okay. How much older?

13:41:46 17 A. Maybe eight years older than I.

13:41:48 18 Q. All right. Same question, if you  
13:41:53 19 rated his memory of the operations at the  
13:41:57 20 landfill compared to yours, how would he rate,  
13:41:59 21 equal, better or less?

13:41:59 22 A. It'd be very truthful.

13:42:00 23 Q. I'm sorry?

13:42:00 24 MR. ROMINE: Same objection.

13:42:02 25 THE WITNESS: Truthful.

13:42:02 1 BY MR. HAUGHEY:

13:42:02 2 Q. How about as the quality of his  
13:42:04 3 memory?

13:42:04 4 MR. ROMINE: Same objection.

13:42:05 5 THE WITNESS: It would have been  
13:42:08 6 truthful. He's -- he's deceased.

13:42:08 7 BY MR. HAUGHEY:

13:42:09 8 Q. Okay. He's deceased. Okay.  
13:42:10 9 Thank you. How about John Robert Grillot?

13:42:16 10 A. That's my brother.

13:42:17 11 Q. Okay. And --

13:42:17 12 MR. COUGHLIN: Who?

13:42:17 13 BY MR. HAUGHEY:

13:42:20 14 Q. John Robert Grillot.

13:42:21 15 MR. COUGHLIN: What was it again?  
13:42:21 16 That's my what?

13:42:22 17 MR. HAUGHEY: He said that's my  
13:42:23 18 brother.

13:42:25 19 BY MR. HAUGHEY:

13:42:25 20 Q. How much older or younger than you  
13:42:30 21 is John Robert Grillot?

13:42:32 22 A. He's ten years younger than --  
13:42:34 23 he's ten years younger than I am.

13:42:34 24 Q. Okay. Is he still alive?

13:42:38 25 A. Yes.



13:42:39 1 Q. Where does he live?

13:42:41 2 A. In -- he lives in Dayton.

13:42:46 3 Q. Do you know if he has given a  
13:42:49 4 deposition in this case?

13:42:50 5 A. No.

13:42:50 6 Q. Do you know if he's been asked to  
13:42:52 7 give a deposition?

13:42:53 8 A. No.

13:42:53 9 Q. Do you know if he's given any  
13:42:55 10 sworn statements?

13:42:56 11 A. No.

13:42:56 12 Q. Do you know of any reason why he  
13:43:00 13 has not been asked to give a deposition or give  
13:43:03 14 a sworn statement?

13:43:05 15 A. I don't know why, but --

13:43:07 16 Q. Okay. How much older or younger  
13:43:12 17 did you say John was than you?

13:43:13 18 A. He's ten years younger.

13:43:17 19 Q. Ten years younger?

13:43:18 20 A. Ten years younger.

13:43:20 21 Q. Okay. The same question, would he  
13:43:26 22 be truthful if he were asked to give a sworn  
13:43:29 23 statement about what he remembers at the site?

13:43:32 24 MR. ROMINE: Same objection.

13:43:33 25 THE WITNESS: John wouldn't know.

13:43:34 1 Johnny wouldn't know anything about the dump  
13:43:36 2 because he was basically hardly ever down there.

13:43:40 3 BY MR. HAUGHEY:

13:43:40 4 Q. Okay. All right. How about Bud  
13:43:44 5 Young?

13:43:44 6 A. Bud was -- he's deceased, but Bud  
13:43:48 7 was -- Bud's -- Bud's deceased, but he had  
13:43:53 8 worked on the dump ever since probably when it  
13:43:56 9 opened up and --

13:44:00 10 Q. What -- who -- what -- was he a  
13:44:02 11 family member?

13:44:04 12 A. No, he was just a good friend, but  
13:44:05 13 he lived on the dump and --

13:44:11 14 Q. Okay. So he's deceased. Does he  
13:44:14 15 have any living relatives in the Dayton area?

13:44:17 16 A. I wouldn't know, but I wouldn't  
13:44:19 17 think so. He was pretty much a loner, so --

13:44:21 18 Q. Why did he live at the landfill?

13:44:25 19 A. Well, I think he didn't have  
13:44:26 20 anywhere else to go, and -- and he -- he pretty  
13:44:31 21 much kept an eye on it and made sure that  
13:44:35 22 nobody broke into the office and so on and so  
13:44:38 23 forth.

13:44:38 24 Q. Was there a house or a trailer on  
13:44:40 25 the site where he lived?

13:44:41 1 A. The first part that I remember he  
13:44:43 2 lived in one -- the building that Jack had  
13:44:47 3 erected out of the -- the hangar, and then he  
13:44:53 4 ended up moving into a trailer that was the  
13:44:56 5 office at the very last.

13:44:59 6 Q. Okay. Did he pay rent to live at  
13:45:01 7 the landfill?

13:45:01 8 A. I wouldn't know that.

13:45:02 9 Q. Was he a friend of your dad's?

13:45:05 10 A. Well, back in the Fink days, yeah.  
13:45:10 11 They were -- they were pretty close.

13:45:11 12 Q. Is that how the arrangement was  
13:45:13 13 made that brought him to live there?

13:45:14 14 A. Yes.

13:45:15 15 Q. What was his role at the landfill?

13:45:18 16 A. He drove the -- a truck till I  
13:45:24 17 did, and he would go through the burn pile  
13:45:28 18 before and after to pick up items that would be  
13:45:32 19 either sold or -- that would go in piles of the  
13:45:37 20 metal that would go to separate places and --

13:45:40 21 Q. Okay. How about Larry Brannon or  
13:45:47 22 Larry Brandon, which is it?

13:45:49 23 A. Brandon.

13:45:50 24 Q. Brandon, B-R-A-N-D-O-N?

13:45:52 25 A. I think so.

13:45:53 1 Q. Okay. And what's his relationship  
13:45:55 2 to the landfill?

13:45:56 3 MR. ROMINE: Objection. Asked and  
13:45:56 4 answered.

13:45:59 5 THE WITNESS: Well, I stated earlier  
13:46:03 6 that he and some other people got the incinerators  
13:46:09 7 built on the dump.

13:46:11 8 BY MR. HAUGHEY:

13:46:11 9 Q. Okay. Is he still alive?

13:46:13 10 A. No.

13:46:13 11 Q. Do you know if he gave a  
13:46:15 12 deposition or a sworn statement relating to the  
13:46:19 13 operations at the landfill to anyone?

13:46:20 14 A. I wouldn't know that.

13:46:21 15 Q. Do you know if Bud Young gave a  
13:46:24 16 deposition or --

13:46:24 17 A. No.

13:46:25 18 Q. -- a sworn statement to anyone?

13:46:26 19 Okay. How about James R. Mitchell?

13:46:33 20 A. He was Dad's attorney.

13:46:35 21 Q. Okay. I thought you testified  
13:46:39 22 earlier that Horace Boesch, Sr., did legal work  
13:46:45 23 for your dad. Do you remember making that  
13:46:47 24 statement?

13:46:47 25 A. Well, Mr. Kiefer, right? James

13:46:52 1 Kiefer, is that what you said?

13:46:54 2 Q. No. I'm trying to understand who  
13:46:56 3 represented your dad. I believe you testified  
13:46:57 4 earlier that Horace Boesch, the co-owner of the  
13:47:02 5 site with your dad, was also an attorney who  
13:47:05 6 represented your dad in legal matters.

13:47:06 7 A. But --

13:47:06 8 MR. ROMINE: Objection. Vague as to  
13:47:08 9 time period.

13:47:09 10 THE WITNESS: But what I'm asking  
13:47:10 11 originally before that, did you say James Kiefer?

13:47:10 12 BY MR. HAUGHEY:

13:47:13 13 Q. No, I've never mentioned him.

13:47:13 14 A. Okay. I'm sorry.

13:47:13 15 Q. That's okay.

13:47:15 16 A. What was the -- what was the name?

13:47:16 17 Q. Okay. You -- I believe you  
13:47:19 18 testified that James Mitchell was an attorney  
13:47:22 19 who represented your dad, correct?

13:47:22 20 A. Yep.

13:47:23 21 Q. Represented in what?

13:47:23 22 A. Pardon me?

13:47:25 23 Q. Represented him in what?

13:47:26 24 A. They were attorneys downtown here  
13:47:29 25 that specialized in title stuff. I don't know

13:47:37 1 how exactly to --

13:47:38 2 Q. Is he deceased?

13:47:39 3 A. Yes.

13:47:40 4 Q. Okay. Do you know if he was with  
13:47:42 5 a law firm that still exists here in Dayton?

13:47:46 6 A. I don't know if Mr. Mitchell is  
13:47:47 7 still in business or not, but --

13:47:49 8 Q. Okay. So you don't know whether  
13:47:51 9 he would have any records relating to the  
13:47:54 10 landfill?

13:47:54 11 A. I would say he would, yeah.

13:47:57 12 Q. Okay. But you don't know where  
13:47:59 13 those records are, correct?

13:48:00 14 A. No.

13:48:01 15 Q. Okay. How about Horace Boesch,  
13:48:04 16 would he have had records relating to the  
13:48:08 17 landfill when he was an attorney working with  
13:48:09 18 your dad?

13:48:10 19 A. No.

13:48:10 20 Q. Okay. How about Toni Nash?

13:48:16 21 A. That was my --

13:48:16 22 Q. T-O-N-I.

13:48:17 23 A. That was my sister, and she's  
13:48:19 24 deceased.

13:48:20 25 Q. Okay. What did she have by way of

13:48:23 1 any involvement at the landfill?

13:48:26 2 A. None.

13:48:28 3 Q. How about Debbie Grillot or

13:48:34 4 Deborah Grillot-Cornett? It looks like they're

13:48:35 5 both the same. Do you recognize them?

13:48:37 6 A. Um-hum.

13:48:38 7 Q. Who are they?

13:48:38 8 A. Yes. Yes. Yes.

13:48:39 9 Q. Okay.

13:48:40 10 A. She was my niece.

13:48:43 11 Q. Okay. Whose daughter was she?

13:48:45 12 A. I had spoken of my half brother,  
13:48:48 13 which his name was Cyril. That was his  
13:48:51 14 daughter.

13:48:58 15 Q. Okay. Cyril was your dad,  
13:49:03 16 correct?

13:49:03 17 A. Correct.

13:49:05 18 Q. Right. And Debbie or Deborah was  
13:49:08 19 a stepdaughter of his?

13:49:12 20 A. See, how would that be. His son  
13:49:16 21 was her daughter, so she would be a niece.

13:49:20 22 Q. Okay.

13:49:20 23 A. I think.

13:49:20 24 Q. Is she still alive?

13:49:22 25 A. Yes.

13:49:22 1 Q. Where does she live?

13:49:25 2 A. Hamilton, I believe.

13:49:29 3 Q. Okay. And do you know if she has  
13:49:35 4 given -- well, let me ask you the more  
13:49:38 5 important question. Do you know if she was  
13:49:39 6 ever involved in any of the landfill  
13:49:42 7 operations?

13:49:45 8 A. No.

13:49:46 9 Q. Okay. Do you know if she has  
13:49:49 10 given a deposition or a sworn statement to  
13:49:52 11 anyone relating to the landfill?

13:49:54 12 A. No.

13:49:54 13 Q. Okay. If she -- do you have any  
13:50:01 14 reason to believe she would be less than  
13:50:04 15 truthful if she were asked to give a statement  
13:50:06 16 about the landfill?

13:50:06 17 MR. ROMINE: Same objection.

13:50:07 18 THE WITNESS: Yes, she would be  
13:50:09 19 truthful.

13:50:09 20 BY MR. HAUGHEY:

13:50:10 21 Q. Okay. How about Eugene Huffman?

13:50:14 22 A. Eugene was his nephew, my dad's  
13:50:21 23 nephew, and he was a prominent dentist here in  
13:50:24 24 Dayton.

13:50:28 25 Q. Okay. How old is -- is Eugene



13:50:28 1 alive?

13:50:32 2 A. He's deceased.

13:50:32 3 Q. He's deceased?

13:50:33 4 A. Yes.

13:50:33 5 Q. Okay. Did he have any involvement  
13:50:35 6 at the landfill?

13:50:35 7 A. No.

13:50:36 8 Q. Okay. All right. Let's talk  
13:50:40 9 about your involvement. I believe you  
13:50:44 10 testified in your deposition in 2012 that you  
13:50:47 11 started to work at the landfill when you were  
13:50:49 12 somewhere around eight?

13:50:50 13 A. Um-hum.

13:50:50 14 Q. Would that be correct?

13:50:51 15 A. Yes. Yes.

13:50:53 16 Q. And you were born in 1952,  
13:50:53 17 correct?

13:50:57 18 A. Correct.

13:50:57 19 Q. So you would have been -- 1960 or  
13:50:57 20 so?

13:51:01 21 A. Right.

13:51:01 22 Q. Okay. So the -- but I believe you  
13:51:02 23 also testified earlier the landfill was open  
13:51:04 24 between 1950 and 1960 as well, correct?

13:51:08 25 A. Well, I -- I don't know if -- I

13:51:10 1 don't know the exact year they started, but I  
13:51:12 2 know only from Dad's and Horace speaking of it,  
13:51:18 3 that -- that --

13:51:19 4 Q. So the bottom line is, you have no  
13:51:22 5 recollection of the landfill prior to 1960,  
13:51:22 6 correct?

13:51:23 7 A. Right.

13:51:23 8 Q. At least no personal recollection?

13:51:25 9 A. No.

13:51:26 10 Q. Okay. All right. Am I correct  
13:51:28 11 that you testified in your deposition in 2012  
13:51:31 12 that you were involved in some salvage work at  
13:51:35 13 the site, among other things, is that correct?

13:51:36 14 A. Correct.

13:51:36 15 Q. Cutting drums up at the site?

13:51:36 16 A. Correct.

13:51:39 17 Q. Loading skids?

13:51:39 18 A. Correct.

13:51:40 19 Q. Okay. Now, during the time that  
13:51:46 20 you started there around 1960, you were still  
13:51:49 21 in school, were you not?

13:51:50 22 A. Yes.

13:51:51 23 Q. So you -- you were there  
13:51:52 24 part-time --

13:51:53 25 A. Well --

13:51:54 1 Q. -- while you were in school?

13:51:56 2 A. Yeah. Yes.

13:51:57 3 Q. Okay. Okay. Now, I believe you  
13:52:04 4 also testified in your deposition that when you  
13:52:07 5 got to be about 16, you stopped working at the  
13:52:11 6 landfill, quit school and went to work for  
13:52:14 7 Doyle Auto Salvage, correct?

13:52:16 8 A. Correct.

13:52:17 9 Q. Okay. So between the age -- let's  
13:52:24 10 see. How old would you have been when you were  
13:52:25 11 16 if you were born in 1952? So it would have  
13:52:29 12 been 1968?

13:52:31 13 A. Yeah, about '68.

13:52:32 14 Q. Yeah, about 1968.

13:52:32 15 A. About '68.

13:52:32 16 Q. Okay. So you stopped working  
13:52:37 17 part-time at the landfill around age 16. So  
13:52:42 18 you were there about eight years or so working  
13:52:44 19 part-time while you were in school, correct?

13:52:47 20 A. I had quit school at that time.

13:52:48 21 Q. You quit school when you were 16?

13:52:50 22 A. Right.

13:52:50 23 Q. Right. Okay. I believe you  
13:52:53 24 testified in your deposition in 2012 that you  
13:52:56 25 also left the landfill between the ages of 17

13:53:00 1 and 18 to drive a dozer for Powell Road

13:53:03 2 Landfill, correct?

13:53:04 3 A. Correct.

13:53:04 4 Q. Okay. So how long did you drive  
13:53:06 5 the dozer for them? Or for that site, excuse  
13:53:12 6 me.

13:53:16 7 A. The dozer experience -- the dozer  
13:53:16 8 experience probably wasn't maybe a few months  
13:53:19 9 during the summer until Alcine drew my  
13:53:23 10 attention to work for him.

13:53:25 11 Q. Okay. Now, I also recall  
13:53:28 12 from your deposition that you came back to  
13:53:32 13 the landfill after working at the Powell  
13:53:36 14 Road Landfill and worked off and on at the  
13:53:37 15 site until you were around 26, 27, is that  
13:53:37 16 correct?

13:53:41 17 A. No, I -- I was -- was working  
13:53:46 18 full-time at the dump at that time. I was --  
13:53:50 19 started helping A.E. Fickert do remodel -- or  
13:53:53 20 actually learning how to paint and -- and  
13:53:56 21 different sorts of things on the weekends,  
13:53:59 22 sometimes in the evening. That's how I got my  
13:54:02 23 foot in the door through the Fickert family.

13:54:05 24 Q. Okay. So between the ages of  
13:54:07 25 about 18 and 27, you said you worked part of

13:54:10 1 that time for A.E. Fickert, is that correct?

13:54:12 2 A. Yes.

13:54:13 3 Q. Okay. What did you do for them?

13:54:15 4 A. I just stated, paint -- I just  
13:54:19 5 stated I painted mostly.

13:54:20 6 Q. Okay. During that time though,  
13:54:21 7 you weren't working at the landfill, you were  
13:54:23 8 working for Fickert, correct?

13:54:24 9 A. No, I was still --

13:54:24 10 MR. ROMINE: Objection.

13:54:24 11 THE WITNESS: Like I mentioned --

13:54:25 12 MR. ROMINE: Mischaracterizes his  
13:54:26 13 testimony.

13:54:26 14 THE WITNESS: -- I would do it on the  
13:54:28 15 weekends and evenings and still, you know, did the  
13:54:34 16 bull -- bulldozer and -- I really have never not  
13:54:41 17 been at the dump.

13:54:42 18 I was there -- because I -- I was  
13:54:44 19 told I was going to be owner some day and so I  
13:54:47 20 wanted to make sure I knew all the operation.  
13:54:52 21 BY MR. HAUGHEY:

13:54:52 22 Q. But -- but you also testified that  
13:54:54 23 you worked at Liberal Foods for a while as  
13:54:54 24 well, correct?

13:54:56 25 A. I took that on for a while, yeah.

13:54:59 1 Q. Okay. All right. So the bottom  
13:54:59 2 line is, you weren't there all the time, but  
13:55:01 3 you were there, in your view, a lot of the time  
13:55:03 4 during 18 to 27?

13:55:05 5 A. Well, when I worked at Liberal  
13:55:06 6 Markets it wasn't very far away, and I'd go  
13:55:08 7 down and see Uncle Kenny and -- and find out if  
13:55:11 8 he needed any help with the tickets or -- he  
13:55:14 9 broke down bicycles and stuff like that, and I  
13:55:17 10 would get stuff off of him and keep more TVs  
13:55:22 11 and -- so usually in the winter, I didn't like  
13:55:28 12 being down there because it was so darn cold  
13:55:31 13 and so, I tried to get somewhere warm and --

13:55:32 14 Q. So during the winter when it was  
13:55:34 15 cold, you weren't at the landfill that often?

13:55:37 16 A. Not as often, no.

13:55:38 17 Q. Okay. So when would you say  
13:55:41 18 age-wise you stopped basically working at the  
13:55:46 19 landfill even part-time?

13:55:50 20 A. In the mid '80s. Maybe '84, I  
13:55:55 21 think.

13:55:57 22 Q. Okay. Let me ask you: In this  
13:56:04 23 morning's direct exam, you seemed to have a  
13:56:05 24 very strong memory of how frequent customers  
13:56:11 25 sent waste to the site. Do you remember that

13:56:13 1 testimony?

13:56:13 2 A. Yes.

13:56:14 3 Q. Okay. If you only worked there  
13:56:17 4 part-time and had other jobs where you came and  
13:56:20 5 went and stayed away in the wintertime, how  
13:56:24 6 would you be in a position to accurately  
13:56:26 7 measure the frequency by which people sent  
13:56:29 8 waste to the site when you weren't there at  
13:56:31 9 those times?

13:56:32 10 A. Through either David or -- David  
13:56:37 11 Grillot or Bud, Bud Young, because, you know,  
13:56:42 12 we kept in contact, because if their -- if they  
13:56:47 13 would have keys, I think I mentioned, to go  
13:56:49 14 there at night, and if they had super big  
13:56:52 15 loads, I'd see if Dave needed any help sorting  
13:56:55 16 them out and stuff like that, and then I'd talk  
13:56:59 17 to Bud about the operation and --

13:57:01 18 Q. Okay. So it's secondhand --

13:57:01 19 A. Right.

13:57:02 20 MR. ROMINE: Objection.

13:57:02 21 BY MR. HAUGHEY:

13:57:02 22 Q. -- knowledge.

13:57:02 23 MR. ROMINE: Objection.

13:57:05 24 Mischaracterizes his testimony.

13:57:06 25 BY MR. HAUGHEY:

13:57:06 1 Q. Okay. Thank you. Let's talk a  
13:57:08 2 little bit about how the landfill charged its  
13:57:11 3 customers, okay?

13:57:12 4 Let's talk first about residential  
13:57:14 5 customers. If I wanted to clean out my garage  
13:57:19 6 or tear off the shingles of my roof and wanted  
13:57:22 7 to find a place to dump it in the 1960s and  
13:57:26 8 chose this landfill, what would happen when I  
13:57:29 9 got to the front door?

13:57:31 10 A. Kenneth would first inspect it,  
13:57:35 11 see what it was, and if it was anything of  
13:57:37 12 value -- the front of the trailer at that time  
13:57:39 13 was -- looked like a yard sale, and he'd take  
13:57:47 14 the stuff off of there, and then he had a scale  
13:57:50 15 that he would use for -- like a trunk would be  
13:57:52 16 three dollars, a pickup five, a bigger truck  
13:57:57 17 would be ten, so --

13:57:58 18 Q. What do you mean a scale? You  
13:58:00 19 mean you drove -- if you had a truck, you drove  
13:58:02 20 it onto a scale?

13:58:03 21 A. No, no, no. He -- in his mind,  
13:58:05 22 he would -- much pretty much he would charge  
13:58:07 23 what he wanted to charge, so, you know.

13:58:08 24 Q. Okay. Would he charge based on  
13:58:10 25 what he thought was salvageable value materials



13:58:13 1 in the truck?

13:58:14 2 A. No.

13:58:15 3 Q. Okay. Then how did he determine  
13:58:16 4 how much to charge?

13:58:17 5 A. Well, it was a car trunk, three  
13:58:20 6 dollars. If it was a truck, no matter what he  
13:58:22 7 took off to put in front of it, it was still  
13:58:24 8 five or ten dollars.

13:58:26 9 Q. Okay. If I walked -- if I came  
13:58:27 10 into that landfill with a truckload of a couple  
13:58:31 11 of tons of pure copper, obviously a high resale  
13:58:37 12 value, would he charge me to give him that  
13:58:39 13 copper?

13:58:40 14 A. Yes.

13:58:40 15 Q. Even though he was going to turn  
13:58:43 16 around and salvage it?

13:58:44 17 A. Yes.

13:58:44 18 Q. Okay. Did these people pay -- did  
13:58:49 19 they pay -- did Kenneth pay anyone to dump at  
13:58:55 20 the site because the material being dumped was  
13:58:57 21 very valuable?

13:58:58 22 A. No.

13:58:58 23 Q. Okay.

13:59:11 24 (Interruption in the proceedings.)

13:59:12 25 MR. HAUGHEY: Let's go off the

13:59:13 1 record.

13:59:13 2 (Pause in proceeding.)

13:59:13 3 MR. HAUGHEY: Let's continue.

13:59:34 4 BY MR. HAUGHEY:

13:59:34 5 Q. When people -- when nonindustrial  
13:59:37 6 customers brought materials to the site,  
13:59:39 7 residential and what have you, they paid cash  
13:59:42 8 to Kenneth?

13:59:42 9 A. Correct.

13:59:43 10 Q. What did Kenneth do with the  
13:59:45 11 money?

13:59:47 12 A. He would put it in his pocket.  
13:59:48 13 You know, he had a big fold of money, and I  
13:59:51 14 would assume he was truthful and --

13:59:54 15 Q. Okay. Did anyone else inspect the  
13:59:57 16 loads when they came to the site?

14:00:00 17 A. Well, if I was close by, maybe in  
14:00:04 18 the back cutting up drums, he would yell to me,  
14:00:07 19 Ed, take them down. So I would take them to  
14:00:10 20 wherever -- whatever they had on their trucks.

14:00:11 21 Q. Okay. Now, we're not talking --  
14:00:13 22 we're not talking about taking them down  
14:00:14 23 somewhere. We're talking about doing the  
14:00:15 24 inspection when you arrive there and taking the  
14:00:19 25 money.

14:00:19 1 A. Okay.

14:00:19 2 Q. Did you ever do that?

14:00:21 3 A. If Kenneth was at lunch, I would.

14:00:24 4 Q. Okay. Did anyone else do it as

14:00:26 5 well --

14:00:26 6 A. No.

14:00:26 7 Q. -- besides you sometimes and

14:00:27 8 Kenneth most of the time?

14:00:29 9 A. No. No.

14:00:30 10 Q. Okay. So there were no written

14:00:34 11 records of waste disposal at the site by

14:00:40 12 residential customers, correct?

14:00:41 13 A. No.

14:00:41 14 Q. Okay. All right. Let's talk

14:00:46 15 about nonresidential. If I was not a regular

14:00:49 16 customer of the landfill and just came there

14:00:53 17 and took some C and D, construction demolition

14:00:57 18 debris from a job site and wanted to dump it,

14:00:59 19 would I pay cash along just as a private

14:01:04 20 resident or private homeowner would do?

14:01:07 21 A. It was -- be only if you had an

14:01:12 22 account with Alcine.

14:01:12 23 Q. Okay. Let me back up. As I

14:01:15 24 understood from your deposition, there were

14:01:17 25 three classes of customers; residential

14:01:20 1 customers who paid cash, regular industrial  
14:01:24 2 customers on a charge system, and then a group  
14:01:29 3 of customers in between the two, they weren't  
14:01:31 4 residential and they weren't regular industrial  
14:01:33 5 customers. Are those the three classes?

14:01:36 6 A. Yes.

14:01:37 7 Q. Okay. Let's talk about the middle  
14:01:39 8 class.

14:01:39 9 A. Okay.

14:01:39 10 Q. If you're not a regular customer  
14:01:41 11 and you just have a job -- construction  
14:01:44 12 demolition job and you want to haul down there,  
14:01:48 13 how did those people pay? Did they pay cash  
14:01:51 14 like residential customers?

14:01:52 15 A. Correct.

14:01:53 16 Q. Okay. All right. So only the  
14:01:56 17 quote, unquote, regular industrial customers  
14:01:59 18 were on a charge, correct?

14:02:00 19 A. Correct.

14:02:01 20 Q. Okay. How did you get to become a  
14:02:03 21 regular industrial customer?

14:02:05 22 A. Like I said just a few minutes  
14:02:07 23 ago, they'd have to go through Alcine, and I  
14:02:10 24 didn't know what his process was.

14:02:13 25 Q. Okay. So some -- am I safe in

14:02:17 1 assuming then that at some level of frequency,  
14:02:20 2 you got to be such a regular customer, that  
14:02:23 3 Alcine or Alcine would say, hey, I'll put you  
14:02:26 4 on a charge?

14:02:27 5 A. Correct.

14:02:27 6 Q. Okay. All right. Now, how did  
14:02:29 7 Kenneth handle shipments to the site from  
14:02:34 8 regular industrial customers?

14:02:37 9 A. I don't understand the question.

14:02:38 10 Q. Well, I mean, did he -- well,  
14:02:41 11 here, I'll tell you what. Why don't we do  
14:02:43 12 this: I'm going hand you a document that was  
14:02:47 13 marked at your 2012 deposition as Grillot  
14:02:53 14 Deposition Exhibit 3 --

14:02:55 15 A. Okay.

14:02:55 16 Q. -- and see if you remember that  
14:02:59 17 exhibit from your deposition.

14:03:02 18 A. Um-hum.

14:03:03 19 Q. Okay. Now, those are the dump  
14:03:04 20 tickets used for regular industrial customers,  
14:03:04 21 correct?

14:03:08 22 A. These would be the ones I stapled  
14:03:10 23 together according to alphabetical order.

14:03:16 24 Q. Okay. Well, let me -- let me -- I  
14:03:18 25 don't you think you answered my question --

14:03:18 1 A. Okay.

14:03:18 2 Q. -- so it's important I get an  
14:03:20 3 answer. Are -- is this the -- is Exhibit 3  
14:03:22 4 from your 2012 deposition, an example of the  
14:03:26 5 dump tickets that were issued to regular  
14:03:30 6 industrial customers?

14:03:30 7 A. Correct.

14:03:30 8 Q. Okay. Okay. Now, on Exhibit 3,  
14:03:35 9 is this your handwriting or is that Kenneth's  
14:03:39 10 handwriting, to the best of your knowledge?

14:03:43 11 A. That would be Kenneth.

14:03:44 12 Q. Okay. So for some of the regular  
14:03:48 13 industrial customers, would you fill out the  
14:03:51 14 dump ticket?

14:03:53 15 A. It would only be if he was away --

14:03:53 16 Q. Right. If he was --

14:03:55 17 A. -- for lunch --

14:03:56 18 Q. -- away for -- okay.

14:03:56 19 A. -- or down at the bottom of the  
14:03:58 20 pit or something.

14:03:59 21 Q. Okay. Now, I believe you  
14:04:02 22 testified a little earlier that there was two  
14:04:07 23 parts to the dump ticket. One part would go to  
14:04:10 24 the customer and one part would be kept by  
14:04:12 25 Kenneth, is that correct?

14:04:13 1 A. Correct.

14:04:14 2 Q. Okay. So is this a two-part  
14:04:20 3 ticket? Is this -- is this two tickets showing  
14:04:22 4 two parts or four tickets on Exhibit 3?

14:04:28 5 A. That would be four individual  
14:04:30 6 tickets.

14:04:30 7 Q. Okay. Well, which is it in this  
14:04:34 8 picture? Is this the ticket that went to the  
14:04:36 9 customer or the ticket that was kept by Kenneth  
14:04:40 10 at the site?

14:04:41 11 A. It looks like one that -- well,  
14:04:44 12 I'm not sure.

14:04:45 13 Q. Okay. But did the two pieces of  
14:04:50 14 the ticket look the same?

14:04:51 15 A. One was more like a piece of  
14:04:53 16 cardboard, it was a little thicker in density.  
14:04:57 17 The other was more like a -- it had some -- the  
14:05:01 18 film that -- ink film thing and then it had  
14:05:04 19 the -- the copy underneath of it.

14:05:08 20 Q. Okay. What would Kenneth, and  
14:05:11 21 then occasionally you, do with these tickets  
14:05:14 22 once you collected them from a regular  
14:05:17 23 industrial customer? What would happen to  
14:05:17 24 them?

14:05:19 25 A. I would sort them out, like I said

14:05:22 1 before, and -- and staple them together  
14:05:24 2 alphabetically, and then Alcine would pick them  
14:05:27 3 up.

14:05:27 4 Q. Okay. Let me hand you back  
14:05:35 5 Exhibit 3. By alphabetically, are you talking  
14:05:35 6 about taking the handwritten notation on the  
14:05:37 7 ticket out to the customer and then arranging  
14:05:39 8 the tickets alphabetically by name?

14:05:41 9 A. Correct. This would be D.

14:05:42 10 Q. This would be D?

14:05:44 11 A. Um-hum.

14:05:44 12 Q. Okay. Thank you. Then what would  
14:05:46 13 happen to the dumping tickets, or dumping  
14:05:49 14 receipts, as I guess they're called?

14:05:50 15 A. Alcine would pick them up.

14:05:52 16 Q. From Kenneth?

14:05:54 17 A. Well, they would be sitting on the  
14:05:56 18 desk, and I mentioned through the week -- we  
14:05:59 19 usually got them, like I said, the end of the  
14:06:01 20 week when we'd get paid, all of us, and he  
14:06:04 21 would bulldoze and then go home.

14:06:06 22 Q. Now, Alcine's wife is Leone,  
14:06:10 23 correct?

14:06:10 24 A. Correct.

14:06:11 25 Q. Okay. As I understood your



14:06:13 1 testimony earlier, that she's the one who then  
14:06:16 2 took the tickets and sent out the bills to the  
14:06:18 3 regular customers, correct?

14:06:19 4 A. Correct.

14:06:20 5 Q. Okay. Okay. Where -- where are  
14:06:22 6 all the rest of these tickets?

14:06:25 7 A. They were in Alcine's house  
14:06:27 8 somewhere, and then --

14:06:30 9 Q. Okay.

14:06:33 10 MR. COLLIER: Are you going  
14:06:33 11 to complete your testimony? Did you finish your  
14:06:36 12 answer?

14:06:38 13 THE WITNESS: Are you talking to me?

14:06:39 14 MR. COLLIER: Yes, did you finish  
14:06:39 15 your answer?

14:06:41 16 THE WITNESS: Did I what?

14:06:43 17 MR. COLLIER: Okay. Could you read  
14:06:43 18 back the last question and answer to make sure we  
14:06:43 19 have a complete answer?

14:06:43 20 (Record read.)

14:06:43 21 BY MR. HAUGHEY:

14:06:51 22 Q. Right. And then what?

14:06:54 23 A. I don't know what happened. I  
14:06:57 24 asked David one time, and he said when they  
14:07:01 25 both had died that -- and he inherited it, him

14:07:07 1 and his sister threw them away.

14:07:07 2 MR. COUGHLIN: I'm sorry, when he  
14:07:12 3 inherited what? What -- what did you say?

14:07:12 4 THE WITNESS: When he inherited his  
14:07:14 5 dad's property, him and his sister, that -- they  
14:07:18 6 threw them away.

14:07:21 7 BY MR. HAUGHEY:

14:07:21 8 Q. Okay. Are we talking about boxes  
14:07:24 9 and boxes of tickets --

14:07:25 10 A. Oh, yeah --

14:07:25 11 Q. -- accumulating over time?

14:07:27 12 A. Yeah.

14:07:28 13 Q. Okay. So -- okay. I'm trying  
14:07:30 14 to -- see, we're trying to get a picture of  
14:07:32 15 where they might be if they are around at all,  
14:07:35 16 okay? So I don't want to put words in your  
14:07:36 17 mouth.

14:07:37 18 A. Right.

14:07:37 19 Q. The tickets would be collected by  
14:07:41 20 Kenneth and you, stapled alphabetically, given  
14:07:44 21 to Alcine, and then his wife, Leone, would send  
14:07:48 22 out the bills, correct?

14:07:49 23 A. Correct.

14:07:50 24 Q. Okay.

14:07:50 25 MR. ROMINE: Asked and answered.

14:07:50 1 BY MR. HAUGHEY:

14:07:50 2 Q. What did -- what did she send the  
14:07:55 3 bills out on? Did she have some sort of  
14:07:57 4 invoice form?

14:07:57 5 A. I wouldn't know that.

14:07:58 6 Q. Did you ever see what the bills  
14:07:59 7 went out on?

14:08:00 8 A. No.

14:08:00 9 Q. Did the landfill have a  
14:08:02 10 letterhead?

14:08:05 11 A. South Dayton Dump, yeah.

14:08:06 12 Q. Okay. So would bills have gone  
14:08:07 13 out on a South Dayton Dump letterhead?

14:08:09 14 A. I wouldn't know that --

14:08:10 15 MR. ROMINE: Asked and answered.

14:08:11 16 THE WITNESS: -- because I never saw  
14:08:12 17 one, you know.

14:08:12 18 BY MR. HAUGHEY:

14:08:12 19 Q. Okay. Would they possibly have  
14:08:14 20 gone out on Broadway Sand and Gravel  
14:08:16 21 letterhead?

14:08:16 22 MR. ROMINE: Asked and answered.

14:08:22 23 THE WITNESS: That's a strong  
14:08:23 24 possibility.

14:08:23 25 BY MR. HAUGHEY:

14:08:23 1 Q. Okay. Do you know where there  
14:08:26 2 might be records that still remain from  
14:08:29 3 Broadway Sand and Gravel?

14:08:35 4 A. Casey Jones probably would've had  
14:08:38 5 them, but I'm pretty sure he's deceased.

14:08:40 6 Q. And who's Casey Jones?

14:08:42 7 A. Casey Jones was like Doyle. Dad  
14:08:45 8 brought him -- brought them both up at the same  
14:08:48 9 time and he started them in business from sand  
14:08:51 10 and gravel, and they would dig the pit -- they  
14:08:55 11 were starting another pit south of the landfill  
14:08:59 12 for future dumping and they would sell the  
14:09:04 13 gravel and stuff to -- and split it with the  
14:09:09 14 brothers.

14:09:09 15 Q. Okay. Do you know if Kenneth or  
14:09:13 16 Alcine or Leone -- is it Leona?

14:09:16 17 A. Leone.

14:09:17 18 Q. Leone -- maintained any other  
14:09:19 19 written records for the site, such as a ledger  
14:09:22 20 or a log?

14:09:25 21 A. There -- I saw the checkbook where  
14:09:29 22 he paid all of us, and it was -- you know, it  
14:09:34 23 was a book, maybe eight by 18 or something,  
14:09:40 24 and -- I believe it was a checkbook, and  
14:09:43 25 records of payments would go out from that.

14:09:47 1 Not -- other than that, I didn't  
14:09:49 2 know what happened at their home, because I  
14:09:52 3 didn't -- was never aware of it.

14:09:56 4 Q. Do you know when the South Dayton  
14:10:00 5 Dump site began to use dumping receipts or  
14:10:00 6 dumping tickets?

14:10:05 7 A. No, I don't.

14:10:07 8 Q. Do you know if they ever -- if the  
14:10:11 9 landfill ever stopped using dumping receipts or  
14:10:13 10 dumping tickets?

14:10:14 11 A. I wouldn't know that either.

14:10:16 12 Q. Do you know what criteria Alcine  
14:10:21 13 or Kenneth used to determine who would be  
14:10:25 14 considered a regular customer and put on a  
14:10:28 15 charge system for billing?

14:10:29 16 A. I wouldn't know that.

14:10:30 17 Q. Okay. Do you know if there was  
14:10:32 18 any criteria like that where it might have been  
14:10:35 19 written down somewhere?

14:10:36 20 A. I wouldn't know that.

14:10:38 21 Q. Okay. Do you have an opinion,  
14:10:41 22 your own personal opinion, about how regular a  
14:10:45 23 customer would need to be before they were  
14:10:48 24 moved over to the charge system?

14:10:50 25 MR. ROMINE: Objection to the form.

14:10:51 1 THE WITNESS: I wouldn't know that  
14:10:52 2 either.

14:10:53 3 BY MR. HAUGHEY:

14:10:53 4 Q. I didn't ask you whether you knew  
14:10:53 5 it. I asked if you have an opinion.

14:10:58 6 MR. ROMINE: Asked and answered.  
14:10:58 7 Objection to the form.

14:11:01 8 THE WITNESS: My -- my opinion, I --  
14:11:01 9 the companies were very well known and very high  
14:11:06 10 up, and he was Mayor of Moraine, so I don't think  
14:11:11 11 he cared, so, you know. He was going to get his  
14:11:12 12 money one way or another. That's my opinion.

14:11:12 13 BY MR. HAUGHEY:

14:11:12 14 Q. Okay. And customers who had a key  
14:11:17 15 of their own, would they all be regular  
14:11:19 16 customers billed on a charge system?

14:11:22 17 A. Correct.

14:11:23 18 Q. Okay. So that's one criteria,  
14:11:26 19 correct, having a key?

14:11:26 20 A. Right.

14:11:28 21 Q. Okay. If you had the right to  
14:11:29 22 dump at the landfill at night, would that mean  
14:11:32 23 you were a regular customer on the charge  
14:11:34 24 system?

14:11:34 25 A. Correct.

14:11:35 1 Q. Okay. Let me talk about that for  
14:11:37 2 a second. I'm assuming that Kenneth and you  
14:11:41 3 weren't working at night when people with keys  
14:11:44 4 or otherwise having access to the landfill at  
14:11:46 5 night brought their loads in, correct?

14:11:48 6 A. Correct, but Bud would.

14:11:51 7 Q. Okay. So if Bud, who lived at the  
14:11:54 8 site, saw people dumping at night, would he go  
14:11:57 9 out and prepare a dumping receipt or dumping  
14:12:01 10 ticket for that customer?

14:12:02 11 A. No, I think they had other  
14:12:05 12 arrangements, because I don't -- I didn't ever  
14:12:07 13 see tickets in the morning, so I -- you know,  
14:12:11 14 so --

14:12:11 15 Q. Okay. So --

14:12:12 16 A. And I -- you know, but I don't  
14:12:13 17 know that, so --

14:12:15 18 Q. Yeah. Let me -- let me go there,  
14:12:15 19 because if someone was a regular customer  
14:12:18 20 coming at night with its own key, how would --  
14:12:22 21 how would they -- were they on the honor system  
14:12:26 22 and they just called up Kenneth or Alcine and  
14:12:29 23 said, hey, this -- I have 25 loads, this --  
14:12:33 24 this month at -- at night? I mean, how  
14:12:34 25 did they --

14:12:35 1 A. I wouldn't know.

14:12:35 2 Q. -- be charged?

14:12:37 3 A. I wouldn't know.

14:12:38 4 Q. Would they possibly have been  
14:12:41 5 significantly undercharged if they used the  
14:12:42 6 landfill a lot at night and there were no  
14:12:44 7 records?

14:12:45 8 MR. ROMINE: Objection. Asked and  
14:12:45 9 answered.

14:12:46 10 THE WITNESS: Could have.

14:12:46 11 BY MR. HAUGHEY:

14:12:46 12 Q. Yeah. Okay. Let's talk about  
14:12:51 13 frequency. If I brought waste to the site as a  
14:12:57 14 customer every day, in your experience, would  
14:13:01 15 that have been a regular customer that moved  
14:13:04 16 over to the charge system?

14:13:04 17 A. Correct.

14:13:05 18 MR. ROMINE: Objection to the form of  
14:13:06 19 the question.

14:13:06 20 BY MR. HAUGHEY:

14:13:06 21 Q. Okay.

14:13:06 22 A. Correct.

14:13:08 23 Q. Okay. How about once a month?

14:13:12 24 MR. ROMINE: Same objection.

14:13:14 25 THE WITNESS: The same, that they



14:13:15 1 would be on the -- if they were -- you know, had a  
14:13:19 2 charge, you know, once they would drive up -- say  
14:13:24 3 I was taking Kenny's place -- Kenneth's place for  
14:13:28 4 whatever, you know, if I didn't recognize them,  
14:13:30 5 I'd say do you have a charge here, and then they  
14:13:32 6 would tell me, and then I would just fill out the  
14:13:34 7 ticket and the name of the person or the company  
14:13:36 8 that was dumping.

14:13:38 9 BY MR. HAUGHEY:

14:13:38 10 Q. Okay. Am I understanding you  
14:13:41 11 correctly that you're answering my question,  
14:13:43 12 yes, someone who delivered waste once a month  
14:13:47 13 would likely be a charge customer?

14:13:49 14 MR. ROMINE: Same objection.

14:13:49 15 THE WITNESS: Yes, like Fickert.  
14:13:51 16 Fickert was, you know, not as frequent as, say,  
14:13:58 17 Frigidaire or McCall's or whatever.

14:13:59 18 BY MR. HAUGHEY:

14:14:01 19 Q. Okay. What if I -- what if I were  
14:14:04 20 a customer that came every season, would that  
14:14:06 21 be a customer that would likely be a charge  
14:14:10 22 customer?

14:14:10 23 MR. ROMINE: Same objection.

14:14:11 24 THE WITNESS: I wouldn't know that.

14:14:11 25 BY MR. HAUGHEY:

14:14:12 1 Q. Okay. So you don't know -- I  
14:14:14 2 believe you testified every week, every day as  
14:14:18 3 being regular customers on the charge system,  
14:14:20 4 correct?

14:14:20 5 A. There was a lot more others, you  
14:14:20 6 know --

14:14:20 7 Q. Yeah.

14:14:23 8 A. -- that we -- that you just said,  
14:14:27 9 you know, it could -- but if they a were  
14:14:30 10 well-established company, and -- and you  
14:14:33 11 know --

14:14:36 12 Q. If -- would the list of regular  
14:14:39 13 customers on the charge system be dominated by  
14:14:43 14 companies that were close to the site, and,  
14:14:46 15 therefore, might have used it regularly?

14:14:48 16 MR. ROMINE: Objection. Vague.  
14:14:49 17 Calls for opinion.

14:14:50 18 THE WITNESS: That's possible.

14:14:51 19 BY MR. HAUGHEY:

14:14:52 20 Q. Okay. Let's talk about some  
14:14:54 21 customers. Was GM, Delphi, Frigidaire, Inland  
14:14:59 22 and all the related GM entities, were they a  
14:15:03 23 regular customer on the charge system?

14:15:04 24 A. Correct.

14:15:05 25 Q. Did they have a key to come to the

14:15:09 1 landfill at night?

14:15:10 2 A. Some of them, I believe, did.

14:15:12 3 Q. How about NCR?

14:15:19 4 A. I wouldn't know that. Most of  
14:15:23 5 them -- most of them that came were the -- the  
14:15:28 6 majority of them were the skids that went to  
14:15:31 7 the incinerator, and so others, you know, we --  
14:15:37 8 to my recollection, were day -- day customers,  
14:15:42 9 other than the -- the General Refuge and  
14:15:47 10 Container Service, and I know all them drivers  
14:15:49 11 had keys, so --

14:15:52 12 Q. Okay. What was -- why, because  
14:15:52 13 they would dump when the landfill wasn't open?

14:15:57 14 A. Well, with dumping industrial  
14:16:02 15 waste, usually most of their drivers, I've  
14:16:03 16 learned through experience, is that they would  
14:16:06 17 make most of the deliveries at night,  
14:16:11 18 therefore, the majority of garbage from  
14:16:13 19 restaurants and stuff like that would go to  
14:16:15 20 Powell and then the remaining ones would go to  
14:16:19 21 South Dayton Dump.

14:16:20 22 Q. Okay. Give me the list from your  
14:16:24 23 recollection of every customer that you recall  
14:16:28 24 having a key and the right to dump at night.

14:16:33 25 A. All of --

14:16:33 1 Q. Yeah.

14:16:34 2 A. General Refuge.

14:16:34 3 Q. Just tell me every one you can

14:16:37 4 remember. General Refuse?

14:16:38 5 A. Um-hum. Container Service.

14:16:44 6 Frigidaire. McCall's. I think that's it.

14:16:54 7 BY MR. HAUGHEY:

14:16:54 8 Q. How about Dayton-Walther?

14:16:56 9 A. No.

14:16:57 10 Q. Okay. All right. Why don't you

14:17:08 11 give me the names -- please give me the names

14:17:10 12 of all the Dayton area waste hauling companies

14:17:15 13 who you remember delivering waste to this site.

14:17:21 14 A. Rephrase that, if you would,

14:17:21 15 please.

14:17:23 16 Q. Yeah. Please give me the names of

14:17:24 17 all of the Dayton area waste hauling companies

14:17:27 18 who you remember delivering waste to this site.

14:17:33 19 A. Well, waste hauling would narrow

14:17:35 20 it down to Container Service and General

14:17:40 21 Refuge.

14:17:40 22 Q. Okay. Do you know where those

14:17:42 23 two -- there were no others, is that correct,

14:17:44 24 that you can remember?

14:17:45 25 A. That I can remember, because they

14:17:52 1 were -- they were actually companies that, you  
14:17:55 2 know, was like the middleman, they picked up  
14:17:58 3 something from here and brought it over here,  
14:18:00 4 so --

14:18:01 5 Q. So to the best of your  
14:18:02 6 recollection, there were no other middlemen, as  
14:18:05 7 you called them, who hauled waste for people to  
14:18:08 8 this site?

14:18:09 9 A. You're correct.

14:18:10 10 Q. Okay. All right. Now, where --  
14:18:16 11 where was General Refuse business operation  
14:18:21 12 located?

14:18:24 13 A. Less than a half a mile from the  
14:18:26 14 dump.

14:18:30 15 Q. Okay. How about Container  
14:18:31 16 Service?

14:18:31 17 A. The same. They ran out of the  
14:18:33 18 same building.

14:18:33 19 Q. Okay. Were they owned by the same  
14:18:35 20 entity?

14:18:35 21 A. Yeah.

14:18:36 22 Q. Okay. So is it a fair statement  
14:18:42 23 for me to make that -- that haulers like this  
14:18:47 24 would be more inclined to use sites that are  
14:18:50 25 closer to where they're located?

14:18:52 1 MR. ROMINE: Objection. Vague.

14:18:54 2 Object to the form of the question.

14:18:55 3 THE WITNESS: I wouldn't know that.

14:18:56 4 BY MR. HAUGHEY:

14:18:56 5 Q. Okay. But I believe you testified

14:18:57 6 that each -- that Container Service and General

14:19:00 7 Refuse was less than a half mile away from the

14:19:03 8 site, correct?

14:19:03 9 MR. ROMINE: Asked and answered.

14:19:04 10 THE WITNESS: Correct.

14:19:05 11 BY MR. HAUGHEY:

14:19:05 12 Q. Okay. And you couldn't remember

14:19:07 13 any other haulers even using the site, correct?

14:19:10 14 MR. ROMINE: Asked and answered.

14:19:12 15 THE WITNESS: Correct.

14:19:12 16 BY MR. HAUGHEY:

14:19:13 17 Q. Okay. Why didn't other haulers

14:19:15 18 use the site?

14:19:17 19 A. Well, because if any of -- most

14:19:21 20 of -- say, for instance, General Refuge was

14:19:24 21 mostly garbage, and so they would go -- they

14:19:28 22 also had the same key, it was a 2246 key,

14:19:33 23 master key, and it would fit also Powell Road

14:19:36 24 gate, and the garbage would go there, and then

14:19:39 25 they -- I would assume they just waited till

14:19:43 1 morning sometimes to bring other debris.

14:19:46 2 Q. Were there other Dayton area  
14:19:51 3 hauling companies located in this -- in and  
14:19:55 4 around the landfill during the time that the  
14:19:58 5 landfill was open?

14:19:59 6 A. Not to my recollection.

14:20:04 7 Q. Okay. I'm going to hand you a  
14:20:07 8 document that I'd ask the court reporter to  
14:20:12 9 identify it as Defendants' Exhibit 1.

14:20:12 10 (Thereupon, Defendants' Exhibit  
14:20:12 11 Number 1, map of various landfills, was marked for  
14:20:12 12 purposes of identification.)

14:20:12 13 BY MR. HAUGHEY:

14:20:45 14 Q. Mr. Grillot, I'm handing you a  
14:20:45 15 document that I'm going to -- a map that --  
14:20:48 16 that our firm prepared showing the Dayton area  
14:20:54 17 and the location of this landfill and a number  
14:20:57 18 of other landfills in and around the Dayton  
14:20:57 19 area.

14:21:00 20 If you could take a moment and  
14:21:03 21 look at that map and look at the locations of  
14:21:07 22 landfills on the map and let me know if, in  
14:21:10 23 your opinion, you think it is pretty accurate  
14:21:13 24 at identifying where the various landfills were  
14:21:16 25 located.

14:21:17 1 A. Well, F is correct.

14:21:24 2 MR. COUGHLIN: Could I just interrupt  
14:21:25 3 you for a second? Do you have extra copies or  
14:21:27 4 could you tell us what the witness is testifying  
14:21:29 5 about other than it's a map of --

14:21:31 6 MR. HAUGHEY: Yeah. I have a few  
14:21:33 7 copies, but like I said, coming here, I had no  
14:21:35 8 idea whether it was going to be one -- me here  
14:21:37 9 alone or 20, so -- but I can put on the record  
14:21:42 10 that the site located as F on the map is the  
14:21:46 11 Powell Road Landfill site.

14:21:46 12 BY MR. HAUGHEY:

14:21:50 13 Q. So why don't we move on and check  
14:21:52 14 the other sites, and I can -- when you identify  
14:21:55 15 each site as to -- as to whether you think it  
14:21:58 16 is where it's shown on the map, say yes, and  
14:22:01 17 then the tell the court reporter what landfill  
14:22:03 18 you're talking about. Could you do that,  
14:22:05 19 please?

14:22:05 20 A. Okay.

14:22:06 21 Q. Thank you.

14:22:06 22 MR. COUGHLIN: And, Steve, would you  
14:22:08 23 send us copies?

14:22:10 24 MR. HAUGHEY: I'll -- I'll give it to  
14:22:10 25 everyone, but you I won't. No, I'm kidding. I



14:22:15 1 can pass down --

14:22:17 2 MR. COUGHLIN: You don't need to do  
14:22:18 3 it now, but --

14:22:18 4 MR. HAUGHEY: I've got a few. Off  
14:22:18 5 the record.

14:22:18 6 (Thereupon, an off-the-record  
14:22:18 7 discussion was had.)

14:22:37 8 BY MR. HAUGHEY:

14:22:37 9 Q. Okay. Can you continue, Mr.  
14:22:39 10 Grillo, and let me know whether we have  
14:22:41 11 accurately laid out the existence of the rest  
14:22:44 12 of those landfills on the map, please?

14:22:46 13 A. So I need to understand, are we  
14:22:49 14 talking about current day or are we talking  
14:22:53 15 about what years? Because some of them weren't  
14:22:56 16 in existent -- existence at that time.

14:22:58 17 Q. Right, that's -- where they are  
14:23:00 18 located today --

14:23:02 19 A. Okay.

14:23:02 20 Q. -- as opposed, you know, for  
14:23:04 21 purposes of a cleanup, yeah.

14:23:05 22 A. Okay.

14:23:06 23 Q. Okay.

14:23:09 24 A. A is Duriron, and they're not a  
14:23:15 25 landfill or dump, so -- but that's correct in

14:23:19 1 its location. Do you want me to give the  
14:23:22 2 address?

14:23:22 3 Q. No. No, that's okay. Thank you.  
14:23:24 4 That's item A, correct?

14:23:25 5 A. Yes.

14:23:25 6 Q. Okay.

14:23:26 7 A. B would be the North incinerator,  
14:23:33 8 we call it, and that's North Sanitary Landfill,  
14:23:39 9 and that's correct.

14:23:41 10 Q. Isn't that also called the  
14:23:41 11 Valleycrest Landfill?

14:23:41 12 A. Correct.

14:23:45 13 Q. Okay. Go ahead, please. That's  
14:23:45 14 B, correct?

14:23:47 15 A. Um-hum.

14:23:47 16 Q. Okay.

14:23:48 17 A. C would be S -- what would that be  
14:23:56 18 pronounced? E P -- or E -- E S P E.

14:24:00 19 Q. Espe's?

14:24:00 20 A. Espe's?

14:24:00 21 Q. Um-hum.

14:24:03 22 A. Landfill. See, I wouldn't know.  
14:24:09 23 I think I know who it is, but I'm not a hundred  
14:24:12 24 percent sure, but I would -- I would say it's  
14:24:16 25 accurate.

14:24:16 1 Q. Okay.

14:24:17 2 A. And D, which would be Vance Road,  
14:24:19 3 that's accurate, Vance Road Landfill. E, I'm  
14:24:38 4 not sure about that location, but it's -- I  
14:24:41 5 don't know what that's referring to, but I know  
14:24:43 6 the location, so I'm not sure.

14:24:45 7 So E would be Cardington Road  
14:24:52 8 Landfill.

14:24:54 9 Q. Is it your testimony you're not  
14:24:55 10 sure whether that's accurately showing where  
14:24:58 11 that site is located?

14:25:00 12 A. Correct.

14:25:00 13 Q. Okay.

14:25:00 14 A. Because whether it's another name  
14:25:03 15 or -- or if the location's not right -- it's  
14:25:05 16 wherever -- actually where the incinerator is  
14:25:07 17 so -- F would be Powell Road Landfill, and  
14:25:11 18 that's correct. G was South Dayton Dump, and  
14:25:18 19 that's correct.

14:25:19 20 Q. Okay. The last one is H?

14:25:21 21 A. Pardon me?

14:25:21 22 Q. H.

14:25:22 23 A. H would be North Sanitary  
14:25:26 24 Landfill, and that was -- H, that doesn't look  
14:25:30 25 correct either.

14:25:31 1 Q. Is that another name for the  
14:25:35 2 Pinnacle Road Landfill?

14:25:35 3 A. Yes.

14:25:36 4 Q. You've never heard of the Pinnacle  
14:25:38 5 Road Landfill?

14:25:38 6 A. Oh, no, no, no, no, not Pinnacle, that  
14:25:40 7 would have been -- see, you had the North  
14:25:42 8 incinerator and South incinerator. You got  
14:25:43 9 one -- let's see, you got -- well, both of them  
14:25:47 10 say North and -- because, see, that's South.  
14:25:50 11 Why would it say North Sanitary Landfill? It's  
14:25:53 12 south, so that don't make sense to me.

14:25:55 13 Q. Okay. So you're not sure about H?

14:25:56 14 A. No.

14:25:57 15 Q. Okay. All right. Now, is it fair  
14:25:59 16 to say that Dayton has its share of old  
14:26:07 17 landfills?

14:26:07 18 MR. ROMINE: Objection. Vague.

14:26:09 19 THE WITNESS: At the time --

14:26:10 20 MR. ROMINE: Calls for opinion.

14:26:11 21 THE WITNESS: -- no.

14:26:11 22 BY MR. HAUGHEY:

14:26:13 23 Q. Okay. Dayton had a lot of sand  
14:26:15 24 and gravel sites, correct?

14:26:15 25 A. Correct.

14:26:18 1 Q. And isn't it true that a lot of  
14:26:19 2 those sand and gravel sites turned into  
14:26:19 3 landfills?

14:26:23 4 A. Unless it was really close to the  
14:26:24 5 visible water, you know, where it was protected  
14:26:33 6 under the water protection act, I'll say was  
14:26:36 7 the name, because there was one big one, which  
14:26:39 8 we call -- it's Eastwood Lake. That was a big  
14:26:47 9 place where they got sand and gravel and  
14:26:50 10 limestone for putting in our water. That one  
14:26:54 11 definitely didn't.

14:26:56 12 NCR had one at their site at one  
14:27:00 13 time back '30s, '40s. That's where the  
14:27:04 14 motel -- the hotel that we're staying at,  
14:27:07 15 that's the location of that, so --

14:27:08 16 Q. Okay.

14:27:09 17 A. UD arena had a -- that was  
14:27:13 18 probably the turn of the century and up till  
14:27:18 19 the dump. That was called Shadytown. Shade --  
14:27:23 20 Shadytown or something like that, but that was  
14:27:24 21 a landfill, also, but the South Dayton Dump was  
14:27:27 22 the main -- main dump at that time, so --

14:27:30 23 Q. The main dump at what time?

14:27:35 24 A. '50s, '60s, '70s, a little bit of  
14:27:38 25 the '80s.

14:27:38 1 Q. Okay. And looking at the map,  
14:27:41 2 Defendants' Exhibit 1, if I'm a general hauler  
14:27:46 3 in the Dayton area and I'm hauling up on the  
14:27:49 4 north side of Dayton up in Huber Heights and up  
14:27:53 5 in Triangle Park and up in that area, I'd be  
14:27:57 6 more likely to go to Valleycrest or Powell  
14:28:00 7 Road, wouldn't I?

14:28:01 8 MR. ROMINE: Objection. Calls for  
14:28:02 9 opinion. Object to the form of the question.

14:28:04 10 THE WITNESS: No, because Powell Road  
14:28:06 11 really didn't exist until Larry Brandon and his  
14:28:09 12 partners bought that site, and that was late '60s,  
14:28:16 13 to my recollection.

14:28:18 14 Whether it was there before or not,  
14:28:20 15 I'm not a hundred percent sure, but --

14:28:20 16 BY MR. HAUGHEY:

14:28:22 17 Q. Right. But at least in the '60s,  
14:28:24 18 because you worked at the Powell Road  
14:28:24 19 Landfill --

14:28:27 20 A. Right, the latter --

14:28:28 21 Q. -- and you were 17, 18 years old,  
14:28:28 22 so --

14:28:30 23 A. The latter part of it, yeah.

14:28:31 24 Q. -- you -- yeah, and so it have  
14:28:32 25 been the late '60s, correct?

14:28:32 1 A. Right.

14:28:34 2 Q. Okay. So if I'm a hauler up in  
14:28:37 3 that area, once it opened, I'd go there as  
14:28:39 4 opposed to drive all the way down to south  
14:28:42 5 Dayton, wouldn't I?

14:28:42 6 A. Correct.

14:28:42 7 Q. Okay.

14:28:42 8 A. Correct.

14:28:43 9 MR. ROMINE: Objection.

14:28:45 10 Hypothetical. Asked and answered and object to  
14:28:45 11 the form of the question.

14:28:47 12 BY MR. HAUGHEY:

14:28:47 13 Q. Okay. How about Valleycrest, the  
14:28:49 14 same thing there, if I'm picking up near the  
14:28:53 15 Valleycrest Landfill, I'm going to haul there  
16 as opposed to --

17 MR. ROMINE: Objection.

18 BY MR. HAUGHEY:

19 Q. -- to drive to South --

20 (Thereupon, the court reporter  
21 interrupted the proceedings.)

22 BY MR. HAUGHEY:

14:29:02 23 Q. The same thing with Valleycrest up  
14:29:08 24 on the north side, would my general hauling  
14:29:12 25 customers be haulers that were located

14:29:14 1 generally around that landfill?

14:29:16 2 MR. ROMINE: Same objection.

14:29:17 3 THE WITNESS: Well, Valleycrest --  
14:29:20 4 Valley -- on Valleycrest and the Pinnacle Road  
14:29:31 5 were incinerators, and I don't think they were  
14:29:32 6 built till the later part of the '70s, so -- and  
14:29:35 7 their restrictions were a lot tougher.

14:29:37 8 South Dayton Dump only had  
14:29:40 9 restrictions on garbage, so it would depend on  
14:29:44 10 what they were hauling.

14:29:44 11 BY MR. HAUGHEY:

14:29:46 12 Q. If -- if there are no restrictions  
14:29:48 13 on what could be hauled and if other landfills  
14:29:51 14 are open, wouldn't these haulers choose the  
14:29:55 15 landfill that's closest to the site where the  
14:29:56 16 pickup is being made?

14:29:57 17 MR. ROMINE: Same objection.

14:30:01 18 THE WITNESS: Like I -- yeah. Yeah.

14:30:02 19 BY MR. HAUGHEY:

14:30:02 20 Q. Yeah. Okay. Now, in your  
14:30:06 21 deposition in 2012, you testified that you had  
14:30:08 22 no memory of Pepsi sending any waste to the  
14:30:12 23 site, do you remember that testimony?

14:30:15 24 A. I remember saying that.

14:30:17 25 Q. All right. Do you remember also



14:30:19 1 saying that you didn't think they sent anything  
14:30:21 2 up to the site because they were located up  
14:30:23 3 north so Powell Road Landfill was closer to  
14:30:27 4 them. Do you remember making that statement?

14:30:29 5 A. Correct.

14:30:30 6 Q. All right. So isn't that  
14:30:32 7 statement consistent with the general rule that  
14:30:34 8 you're going to take the landfills that are  
14:30:36 9 closest to your operations as opposed to drive  
14:30:39 10 further away, correct?

14:30:40 11 MR. ROMINE: Same objection.

14:30:42 12 THE WITNESS: Well, there's a  
14:30:43 13 distinction there, you know, what year it was  
14:30:43 14 and --

14:30:43 15 BY MR. HAUGHEY:

14:30:45 16 Q. Yes. Right, with that  
14:30:45 17 distinction.

14:30:47 18 A. -- and I was -- I was, more or  
14:30:47 19 less, making an assumption not -- not really  
14:30:50 20 knowing, so --

14:30:51 21 Q. Okay. All right. But is -- can  
14:30:54 22 you think of any logical reason why a hauler  
14:30:56 23 that otherwise has a landfill closer to it  
14:31:00 24 would haul -- would travel further than needed  
14:31:02 25 to dump the waste?

14:31:03 1 MR. ROMINE: Same objection.

14:31:05 2 THE WITNESS: Other than

14:31:06 3 restriction-wise.

14:31:06 4 BY MR. HAUGHEY:

14:31:07 5 Q. Right, other than restrictions.

14:31:07 6 A. Correct.

14:31:09 7 Q. Okay. I mean, these guys were  
14:31:11 8 trying to save gas, too, weren't they?

14:31:11 9 A. Pardon me?

14:31:11 10 MR. ROMINE: Objection.

14:31:11 11 BY MR. HAUGHEY:

14:31:14 12 Q. These -- these guys -- these  
14:31:15 13 haulers -- well, you talked to haulers when  
14:31:16 14 they came into the site, correct, so you -- you  
14:31:19 15 talked with them off and on over the years, so  
14:31:21 16 you understood how they operated, correct?

14:31:23 17 A. Right.

14:31:25 18 Q. All right. So I'm assuming they  
14:31:26 19 were interested in saving a buck just as you  
14:31:28 20 were, correct?

14:31:28 21 A. Correct.

14:31:28 22 MR. ROMINE: Objection. Calls for  
14:31:29 23 opinion.

14:31:29 24 THE WITNESS: Yes.

14:31:29 25 BY MR. HAUGHEY:

14:31:29 1 Q. All right. So is there a logical  
14:31:31 2 reason for them to drive further than they need  
14:31:34 3 to drive and use more gas to find a disposal  
14:31:38 4 site?

14:31:39 5 MR. ROMINE: Same objection.

14:31:40 6 THE WITNESS: Yeah. You have to  
14:31:41 7 realize gas was only 23 cents or seven cents back  
14:31:45 8 then, so, you know, we weren't worried. We  
14:31:47 9 thought we had all the gas we wanted, you know.

14:31:49 10 BY MR. HAUGHEY:

14:31:49 11 Q. I'll grant you that. Okay. All  
14:31:52 12 right. Now --

14:31:54 13 MR. HARBECK: Hey, Steve?

14:31:54 14 MR. HAUGHEY: Yes, sir.

14:31:54 15 MR. HARBECK: We've been at it an  
14:31:56 16 hour an half, we need to stretch here.

14:31:58 17 MR. HAUGHEY: I have about a half  
14:31:59 18 hour more.

14:32:03 19 MR. HARBECK: Okay. Let's stretch.

14:32:03 20 BY MR. HAUGHEY:

14:32:03 21 Q. Okay. Let's talk about customers  
14:32:03 22 that --

14:32:06 23 MR. HARBECK: We'd like a break.

14:32:06 24 MR. COUGHLIN: The whole crowd here  
14:32:08 25 would like a break.

14:32:10 1 MR. HAUGHEY: Oh, I thought you were  
14:32:12 2 wanting me to get moving.

14:32:16 3 MR. COUGHLIN: If we could have both,  
14:32:18 4 it would be like Christmas.

14:32:19 5 MR. HAUGHEY: I'll do -- I'll do  
14:32:19 6 both. All right. Thank you.

14:32:19 7 BY MR. HAUGHEY:

14:32:20 8 Q. Do you want to take a ten minute  
14:32:23 9 break, Mr. Grillo?

14:32:24 10 A. It's up to you guys.

14:32:26 11 MR. HAUGHEY: Okay. Thank you.

14:32:29 12 (Pause in proceedings.)

14:52:10 13 MR. HAUGHEY: We can go back on the  
14:52:10 14 record.

14:52:10 15 BY MR. HAUGHEY:

14:52:12 16 Q. Thank you, Mr. Grillo. We had a  
14:52:13 17 break there to deal with some logistical issues  
14:52:16 18 and -- and timing issues. I have some -- my  
14:52:18 19 last set of questions, general questions, have  
14:52:21 20 to do with customers that used their own trucks  
14:52:28 21 to haul to the site.

14:52:31 22 Give me the names, to the best of  
14:52:34 23 your recollection, of all of the customers that  
14:52:39 24 you remember that used their own trucks to come  
14:52:42 25 to the site.

14:52:44 1 A. With logos or signs or --

14:52:47 2 Q. Whatever, yeah. No, their own  
14:52:49 3 trucks that you knew or you believed to be  
14:52:51 4 their own personal trucks.

14:52:53 5 MR. McCALL: Objection. Asked and  
14:52:53 6 answered.

14:52:54 7 THE WITNESS: That's going to take a  
14:52:56 8 while. There's a big list.

14:52:56 9 BY MR. HAUGHEY:

14:52:56 10 Q. Why don't we start with the  
14:52:58 11 customers that had logos on their trucks, as  
14:53:03 12 you referred to it, how about that list?

14:53:04 13 A. Okay. DP&L. E.A. (sic) Fickert.  
14:53:12 14 Frigidaire. General Motors. Delphi. Ohio  
14:53:23 15 Bell. Franklin Iron and Metal. Duriron.  
14:53:35 16 There's others, but I'm not thinking right  
14:53:38 17 now.

14:53:38 18 Q. Okay. When you say logo, are you  
14:53:43 19 talking about a picture or are you talking  
14:53:44 20 about a name or are you talking about both, a  
14:53:48 21 picture and a name?

14:53:50 22 A. I quit 7th grade, so I -- I think  
14:53:52 23 logo means with a picture, but -- it would be  
14:53:56 24 just -- just the writing, so I'm -- I used the  
14:54:00 25 wrong word for what I'm describing. Is that --

14:54:03 1 do you understand that?

14:54:04 2 Q. No, I don't.

14:54:05 3 A. Okay.

14:54:06 4 Q. Please elaborate.

14:54:06 5 A. Just -- just the lettering with --

14:54:09 6 I assume a logo is an emblem, correct?

14:54:12 7 Q. Yes.

14:54:12 8 A. Okay. So just the lettering I

14:54:14 9 just mentioned would be what I remember.

14:54:17 10 Q. Okay. When you say lettering, are

14:54:22 11 you talking about a picture or are you talking

14:54:25 12 about just recognizing --

14:54:25 13 A. Letters, like -- like South Dayton

14:54:28 14 Dump. Just -- it would say South Dayton Dump,

14:54:30 15 you know.

14:54:30 16 Q. Okay. Well, that's a name, not a

14:54:32 17 logo.

14:54:32 18 A. Okay. Right, that's what I'm

14:54:34 19 saying. When I spit out the word logo, I was

14:54:41 20 thinking it could be included with a picture

14:54:45 21 just being lettering, so I made a mistake, so

14:54:47 22 I'm retracting my statement, okay?

14:54:52 23 So just with lettering on it is

14:54:53 24 what I just mentioned that I would remember.

14:54:57 25 Q. Okay. But I thought you testified

14:54:59 1 in your deposition in 2012 that you were  
14:55:02 2 talking about logos in terms of pictures. For  
14:55:07 3 example, a DP&L picture of a light bulb.

14:55:09 4 A. Right, um-hum.

14:55:10 5 Q. Okay. So that's a picture, not a  
14:55:12 6 name, correct?

14:55:12 7 A. Correct.

14:55:13 8 Q. Okay. Didn't you also testify  
14:55:17 9 about Ohio Bell having a picture as well as a  
14:55:22 10 logo type, not a name that you remember?

14:55:30 11 MR. SLAUGHTER: Objection. Asked and  
14:55:30 12 answered.

14:55:30 13 THE WITNESS: I don't remember.

14:55:30 14 BY MR. HAUGHEY:

14:55:32 15 Q. Okay. All right. I'll run down  
14:55:33 16 the names. DP&L, your recollection was a  
14:55:36 17 picture, a logo, not a name?

14:55:40 18 A. Both.

14:55:44 19 Q. Okay. Fickert, picture, logo or  
14:55:48 20 both? I mean -- I'm sorry -- picture or name  
14:55:50 21 or both, Fickert?

14:55:53 22 A. Picture.

14:55:53 23 Q. Okay.

14:55:53 24 A. I mean lettering.

14:55:56 25 Q. Okay. Lettering. So name --

14:55:58 1 lettering?

14:55:58 2 A. Yeah.

14:55:58 3 Q. Okay. GM?

14:56:03 4 A. Lettering. They had a -- had a

14:56:08 5 little thing underneath it that I think was

14:56:10 6 red, blue and white, I believe, but --

14:56:12 7 Q. Okay. When -- you're saying

14:56:14 8 lettering because you weren't -- you're not

14:56:15 9 confident of your spelling, is that correct?

14:56:17 10 A. No, no, I don't mean it that way.

14:56:20 11 I'm just saying the distinction between

14:56:23 12 lettering and logo I thought was the same,

14:56:23 13 so --

14:56:23 14 Q. Okay.

14:56:33 15 A. I'm sorry I'm confusing you.

14:56:33 16 Q. Yeah. I mean, I'm just -- I'm

14:56:34 17 trying to figure out whether you're remembering

14:56:35 18 these trucks because you remember seeing the

14:56:38 19 name -- the initials of the name on the truck,

14:56:42 20 or you remember seeing a picture, a logo that

14:56:47 21 you associated with that particular customer.

14:56:49 22 That's what I'm trying to get at.

14:56:50 23 A. Both.

14:56:51 24 Q. Okay. Now, for GM, that one was

14:56:53 25 both a name that you remember and a logo?



14:56:57 1 A. If three colors is a logo, then,  
14:57:01 2 yes.  
14:57:04 3 Q. Okay. How about Delphi?  
14:57:09 4 A. Just lettering.  
14:57:14 5 Q. How about Franklin Iron and Metal?  
14:57:18 6 A. Just lettering.  
14:57:20 7 Q. Okay. By lettering, do you mean  
14:57:21 8 their name?  
14:57:22 9 A. Right.  
14:57:23 10 Q. Okay. How about -- well, I think  
14:57:31 11 I asked you. I think that's it. How about  
14:57:31 12 Duriron?  
14:57:35 13 A. Lettering.  
14:57:35 14 Q. Not a logo?  
14:57:36 15 A. No.  
14:57:37 16 Q. Okay. How do you spell Duriron?  
14:57:41 17 A. D -- I don't know. D U R I R O N,  
14:57:50 18 I think, something like that.  
14:57:52 19 Q. Okay. All right. But not a logo,  
14:57:55 20 correct?  
14:57:55 21 A. No.  
14:57:55 22 Q. Okay. All right. Now, you grew  
14:58:03 23 up in the Dayton area, correct?  
14:58:05 24 MR. ROMINE: Asked and answered.  
14:58:06 25 BY MR. HAUGHEY:

14:58:06 1 Q. Okay.

14:58:06 2 A. (Witness nodding head up and  
14:58:07 3 down.)

14:58:07 4 Q. Do you remember stating in your  
14:58:09 5 deposition in 2012, that because you grew up in  
14:58:13 6 the Dayton area, you might be confusing seeing  
14:58:16 7 trucks around Dayton area as opposed to at the  
14:58:20 8 site?

14:58:21 9 MR. ROMINE: Objection.

14:58:21 10 BY MR. HAUGHEY:

14:58:22 11 Q. Do you remember making that  
14:58:22 12 statement?

14:58:23 13 MR. ROMINE: Objection.

14:58:24 14 Mischaracterizes his testimony. Asked and  
14:58:24 15 answered.

14:58:25 16 THE WITNESS: Could you rephrase?

14:58:26 17 MR. HAUGHEY: I asked him whether he  
14:58:28 18 remembers making the statement. There -- there's  
14:58:29 19 no way you can mischaracterize that, David. Let  
14:58:32 20 me restate it.

14:58:34 21 BY MR. HAUGHEY:

14:58:34 22 Q. In your deposition in 2012, do you  
14:58:37 23 remember making the statement that because you  
14:58:40 24 grew up in Dayton, you might be confusing  
14:58:43 25 seeing trucks and logos around the Dayton area

14:58:46 1 versus actually seeing the trucks at the site?

14:58:48 2 MR. ROMINE: Objection.

14:58:48 3 Mischaracterizes his testimony.

14:58:51 4 THE WITNESS: I remember making the  
14:58:52 5 statement.

14:58:53 6 MR. HAUGHEY: Okay. All right.

14:58:53 7 That's all of the questions I have. I am

14:58:58 8 reserving the rest of my time for tomorrow, I

14:59:03 9 presume, to address our four clients, and,

14:59:09 10 therefore, I will stop now and we'll turn it over

14:59:12 11 to those folks who have timing needs that may make

14:59:15 12 them need to get their work done yet today.

14:59:26 13 MR. HARBECK: Can we go off the

14:59:27 14 record just for a second?

14:59:27 15 MR. HAUGHEY: Yeah. We'll go off the

14:59:27 16 record.

14:59:29 17 (Pause in proceedings.)

14:59:29 18 MR. ROMINE: Steve, do you want to

15:01:05 19 ask a few more questions or --

15:01:05 20 MR. HAUGHEY: No. Again, I'm -- on

15:01:07 21 the record, I'm going to preserve the rest of my

15:01:10 22 time and turn it over to, I think, counsel for

15:01:15 23 Ohio Bell. And then, Jack, you'll go after Jimmy

15:01:22 24 Slaughter. You still there, Jack?

15:01:26 25 MR. VAN KLEY: Oh, yes. Thank you.

15:01:27 1 MR. HAUGHEY: Okay. Thank you.

15:01:27 2 CROSS-EXAMINATION

15:02:03 3 BY MR. SLAUGHTER:

15:02:03 4 Q. Hi, Mr. Grillot. My name is James  
15:02:05 5 Slaughter. I'm counsel for Ohio Bell with the  
15:02:07 6 law firm of Beveridge and Diamond, and thank  
15:02:10 7 you very much for your time and patience today  
15:02:12 8 giving this deposition testimony.

15:02:15 9 A. You're welcome.

15:02:15 10 Q. I just have a few questions to go  
15:02:17 11 over some of your testimony in your 2012  
15:02:19 12 deposition in this case and the testimony that  
15:02:22 13 you gave earlier today.

15:02:23 14 You testified regarding Ohio  
15:02:26 15 Bell's use of the South Dayton Dump, and in  
15:02:30 16 2012, you testified that they were not there  
15:02:33 17 frequently, and today you testified that they  
15:02:36 18 didn't use it a lot.

15:02:38 19 A. Right.

15:02:38 20 Q. How would you quantify that, once  
15:02:41 21 a season?

15:02:45 22 A. Once a month.

15:02:47 23 Q. Okay. Now, you also testified  
15:02:51 24 that you saw Ohio Bell in the 1960s at the  
15:02:55 25 site, and in 2012, you testified that they

15:02:58 1 weren't there at the beginning when you first  
15:03:00 2 started working there as a youngster?

15:03:03 3 A. Right.

15:03:03 4 Q. So the 1960s is the period when  
15:03:07 5 you remembered seeing Ohio Bell at the site?

15:03:10 6 A. Like the utility companies, I -- I  
15:03:13 7 think I remember names changing. I don't  
15:03:16 8 remember if it said Maw Bell or something Bell,  
15:03:20 9 but I think it had another name or -- with it  
15:03:23 10 or something else. Southern -- Southern Bell  
15:03:27 11 or something, but -- but I do remember when it  
15:03:31 12 was just Ohio Bell.

15:03:32 13 Q. And that would be in the 1960s  
15:03:35 14 that you recall seeing Ohio Bell at the site?

15:03:37 15 A. Correct.

15:03:37 16 Q. And regarding other names for  
15:03:41 17 telephone companies in the area, you don't  
15:03:42 18 recall when or whether they were at the site?

15:03:47 19 A. Well, I just thought Ohio Bell was  
15:03:52 20 the only service provider at that time, but the  
15:03:56 21 names, you know, whether -- I would be  
15:04:00 22 assuming, so I don't know.

15:04:02 23 Q. You testified in 2012 that you  
15:04:05 24 recall vans from Ohio Bell delivering waste to  
15:04:09 25 the site.

15:04:10 1 A. Correct.

15:04:11 2 Q. So were these the standard size  
15:04:13 3 telephone company vans that would have a ladder  
15:04:16 4 attached to the top?

15:04:19 5 A. Right, and a yellow thing on top  
15:04:24 6 of it, the light. They were similar -- DP&L  
15:04:27 7 had similar. I think there were a -- Chevy  
15:04:33 8 Econolines or Ford that the only difference was  
15:04:35 9 Ohio Bell was white and -- and DP&L had like a  
15:04:38 10 tannish color.

15:04:40 11 Q. So the waste that they would bring  
15:04:42 12 to the South Dayton Dump would be no more waste  
15:04:45 13 than could fit in one of those vans, correct?

15:04:48 14 A. Correct.

15:04:49 15 Q. And the spools that you mentioned  
15:04:51 16 that the wire and cable would be wound on,  
15:04:55 17 those would be spools that could fit inside one  
15:04:58 18 of those vans?

15:05:00 19 A. Yes.

15:05:01 20 Q. So the spools would not be very  
15:05:04 21 large then, would they? How many could fit in  
15:05:07 22 a van?

15:05:07 23 A. Right. I remember some trailers  
15:05:11 24 coming in that would have real big ones, but I  
15:05:16 25 don't remember -- I think mostly it was for

15:05:17 1 DP&L, I don't remember Ohio Bell, so --

15:05:20 2 Q. Is there anything else that you  
15:05:34 3 recall about Ohio Bell and the waste that they  
15:05:36 4 brought to the site?

15:05:39 5 A. No, other than what I spoke of  
15:05:42 6 here this morning.

15:05:43 7 MR. SLAUGHTER: Okay. Thank you very  
15:05:45 8 much for your time.

15:05:46 9 THE WITNESS: You're welcome.

15:06:01 10 MR. HAUGHEY: Jack?

15:06:02 11 MR. VAN KLEY: Yes. Thank you.

15:06:02 12 MR. HAUGHEY: Yeah. You ready?

15:06:02 13 CROSS-EXAMINATION

15:06:03 14 BY MR. VAN KLEY:

15:06:03 15 Q. Mr. Grillot, can you -- Mr.  
15:06:06 16 Grillot, can you hear me okay?

15:06:07 17 A. Yes, I can.

15:06:08 18 Q. Okay. Great. I'm going to ask  
15:06:12 19 you questions about two companies that you  
15:06:16 20 identified as customers of the landfill this  
15:06:21 21 morning. They are the Hewitt Soap Works and  
15:06:25 22 Van Dyne-Crotty.

15:06:26 23 A. Okay.

15:06:27 24 Q. And I'll take them in alphabetical  
15:06:28 25 order, just like Mr. Romine did. So we'll

15:06:32 1 start with Hewitt Soap Works.

15:06:35 2 What makes you believe that the  
15:06:39 3 waste materials brought to the landfill that  
15:06:41 4 you attributed to Hewitt Soap Works actually  
15:06:45 5 came from that company?

15:06:47 6 A. Because I had talked to the  
15:06:51 7 drivers, and, you know, we had kidded around  
15:06:55 8 about all the soap and stuff, the shampoo  
15:06:58 9 and -- and bars of soap, and -- and I asked  
15:07:00 10 them where they got them from, and he told me  
15:07:04 11 and he mentioned Hewitt Soap Company.

15:07:13 12 Q. Were there any other events or  
15:07:17 13 things that made you believe that these  
15:07:19 14 materials came from the Hewitt Soap Company?

15:07:24 15 A. No, other -- other than, you know,  
15:07:30 16 they gave more of a pleasant smell than some of  
15:07:34 17 the dump trucks that came in there, so I  
15:07:36 18 just -- you know, I -- and over that particular  
15:07:37 19 area, I -- I realized they were on Fifth Street  
15:07:41 20 and I think Ludlow or something -- not Ludlow,  
15:07:44 21 but Linden, I think, because I recognized the  
15:07:48 22 smell sometimes. So only those two  
15:07:52 23 instances -- those two reasons I was -- I made  
15:07:56 24 that statement.

15:08:02 25 Q. How many drivers told you that the



15:08:05 1 materials came from Hewitt Soap?

15:08:09 2 A. At that particular time, just one  
15:08:11 3 driver.

15:08:13 4 Q. Do you recall the name of that  
15:08:15 5 driver?

15:08:15 6 A. No. No.

15:08:17 7 Q. When did you have this  
15:08:22 8 conversation?

15:08:23 9 A. When?

15:08:25 10 Q. Yes.

15:08:26 11 A. I couldn't give you an exact year,  
15:08:30 12 but I would -- I would agree with myself  
15:08:34 13 probably in the '60s.

15:08:36 14 Q. So you think it may have occurred  
15:08:43 15 in the '60s?

15:08:43 16 A. Correct.

15:08:44 17 Q. And approximately how old were you  
15:08:49 18 at that time?

15:08:50 19 A. How old?

15:08:51 20 Q. Yes.

15:08:54 21 A. Fifty-two; from ten possibly to --  
15:08:59 22 what would it be, 19?

15:09:05 23 Q. Can you give me more specifics  
15:09:12 24 about what that one driver said to you with  
15:09:14 25 regard to identifying the source of the

15:09:16 1 materials?

15:09:18 2 A. Well, I basically was thanking him  
15:09:21 3 because it supplied us with supplies for some  
15:09:23 4 time, and we were just kidding around, and, you  
15:09:28 5 know, just, you know, what did they do, I heard  
15:09:34 6 you use animal fat and this, that and the other  
15:09:39 7 and -- so it was just a conversation you had  
15:09:42 8 with a -- with a driver, you know.

15:09:45 9 I was a smoker at the time, and  
15:09:47 10 that -- you know, we'd -- any of the drivers  
15:09:49 11 that smoked, if they couldn't smoke in the  
15:09:52 12 truck, then we'd -- that was a good time to --  
15:09:53 13 for me to take a break and talk to him, so --

15:09:59 14 Q. Did the driver identify himself as  
15:10:02 15 an employee of Hewitt Soap?

15:10:06 16 A. No.

15:10:14 17 Q. Was it -- you said that there was  
15:10:17 18 a plant located near Fifth and Linden, is that  
15:10:22 19 right?

15:10:22 20 A. Right, and I -- I was told, and I  
15:10:26 21 think I did see a sign where -- or I ran into a  
15:10:31 22 lot of people down there that said they worked  
15:10:33 23 for the Hewitt Soap Company. Mostly women.

15:10:39 24 Q. You ran into these people at the  
15:10:42 25 plant near Fifth and Linden?

15:10:43 1 A. Yes, uh-huh. It was directly  
15:10:49 2 across --

15:10:50 3 Q. Is that in Dayton?

15:10:51 4 A. I'm sorry?

15:10:52 5 Q. Go ahead.

15:10:53 6 A. It was right across the street  
15:10:56 7 from a industrial complex called the Davis  
15:11:02 8 Building, so I had -- the latter part of the  
15:11:05 9 time had picked up materials for myself down  
15:11:08 10 there, like kitchen cabinets and stuff to redo  
15:11:11 11 my house, and -- and I think at one time, they  
15:11:14 12 were either on strike or they had closed down,  
15:11:15 13 and I asked them what happened, and that was --  
15:11:18 14 I don't remember what year that was, but --

15:11:24 15 Q. So you were aware of a Hewitt Soap  
15:11:27 16 plant located near Fifth and Linden in Dayton?

15:11:31 17 A. Correct.

15:11:33 18 Q. And what does that fact have to do  
15:11:38 19 with your identifying Hewitt Soap as a customer  
15:11:43 20 of the South Dayton Dump?

15:11:46 21 A. Other than it gave me more  
15:11:49 22 confidence that I didn't get poisoned or  
15:11:51 23 anything, it's something local like that, I  
15:11:54 24 felt safer maybe. I don't know.

15:11:56 25 Q. So the fact that you knew that

15:11:59 1 Hewitt Soap had a plant at that location did  
15:12:03 2 not provide you with any information that the  
15:12:08 3 materials at the dump actually came from that  
15:12:11 4 plant?

15:12:12 5 A. Well, it wasn't till probably in  
15:12:15 6 the '70s that I'm making this statement right  
15:12:18 7 now, but the original driver that brought stuff  
15:12:22 8 to the dump, that was, you know, in the '60s,  
15:12:26 9 so we're talking maybe a ten year span.

15:12:31 10 Q. I'm not sure that I understood  
15:12:36 11 what you just said. What was it about the  
15:12:42 12 1970s that you were talking about?

15:12:43 13 A. That I had spoke to individuals  
15:12:44 14 about where actually Hewitt Soap Company was,  
15:12:51 15 and then the first statement that I said in the  
15:12:54 16 '60s, that was the experience with the driver.

15:12:55 17 Q. And so what happened in the '70s  
15:13:03 18 with regard to Hewitt Soap?

15:13:05 19 A. That's when I would pick -- I  
15:13:06 20 picked up some cabinets from the Davis complex  
15:13:14 21 and I had talked to some -- a lot of women in  
15:13:19 22 that particular time that worked there.

15:13:22 23 So that -- there was a ten year  
15:13:24 24 span between the driver and me questioning  
15:13:30 25 exactly where Hewitt Soap Company was.

15:13:33 1 Q. Okay. So in the 1970s, you  
15:13:37 2 discovered where the company had its plant, is  
15:13:37 3 that right?

15:13:42 4 A. Correct.

15:13:42 5 Q. Okay. And the fact that you  
15:13:46 6 discovered where the plant was, did not lead  
15:13:50 7 you to believe that the materials coming to the  
15:13:54 8 dump were actually from that plant, is that  
15:13:57 9 right?

15:13:57 10 A. Correct. I just knew a name in  
15:14:04 11 the '60s, I didn't know a location.

15:14:10 12 Q. Did the driver's truck -- that is,  
15:14:13 13 the driver that you had this discussion with  
15:14:16 14 about Hewitt Soap at the South Dayton Dump, did  
15:14:19 15 that truck have any emblems or symbols or words  
15:14:26 16 on it that identified Hewitt Soap?

15:14:28 17 A. No.

15:14:28 18 Q. Do you recall any symbols, words  
15:14:34 19 or other things on that truck?

15:14:38 20 A. No.

15:14:52 21 Q. Okay. How many truckloads of  
15:14:57 22 materials from Hewitt Soap went to the South  
15:14:57 23 Dayton Dump?

15:15:04 24 A. Well, just that one time for my  
15:15:06 25 personal experience, but the same stuff that

15:15:12 1 sometimes it would come in the gallon things  
15:15:15 2 that had the push thing on it we had been using  
15:15:20 3 ever since I was a kid going down there in  
15:15:23 4 the -- in the -- in the early '60s.

15:15:25 5 So, you know, I -- I just put two  
15:15:30 6 and two together that it was the same -- same  
15:15:32 7 particular company.

15:15:32 8 Q. So --

15:15:35 9 A. I'm sorry.

15:15:39 10 Q. -- is it true then that you only  
15:15:41 11 personally saw one truck with Hewitt Soap waste  
15:15:48 12 at the landfill?

15:15:49 13 A. Correct.

15:15:52 14 Q. And your belief that that  
15:15:56 15 materials on that one truck came from Hewitt  
15:16:00 16 Soap was based solely on your discussion with  
15:16:03 17 that driver?

15:16:04 18 A. Correct.

15:16:06 19 Q. And you made the conclusion that  
15:16:10 20 other Hewitt Soap waste was at the landfill  
15:16:16 21 based on the appearance of waste that you saw  
15:16:19 22 at the landfill?

15:16:20 23 A. Could you please state that again?

15:16:22 24 Q. Yes. I believe during your  
15:16:29 25 answers to some of the questions earlier in

15:16:31 1 this deposition, you said that Hewitt Soap  
15:16:38 2 brought waste to or -- for Hewitt Soap waste  
15:16:42 3 was brought to the dump on more than one  
15:16:46 4 occasion, right?

15:16:50 5 A. Well, I was putting it in  
15:16:53 6 reference to the earlier years, too, because I  
15:16:56 7 remember the dispensers and the color and --  
15:16:57 8 and -- and some of the smell came from the same  
15:17:01 9 place.

15:17:04 10 Q. But that was not based on your  
15:17:07 11 seeing any trucks identified to Hewitt Soap  
15:17:15 12 bring that waste in, is that right?

15:17:17 13 A. Correct. If I remember --

15:17:18 14 Q. You were just basing --

15:17:20 15 A. If I --

15:17:20 16 Q. Go ahead.

15:17:21 17 A. If I remember right, I think a lot  
15:17:22 18 of it was made for other companies, and I think  
15:17:26 19 I remember Avon with some of the lettering  
15:17:32 20 on -- on the soap bars and stuff like that, if  
15:17:33 21 I'm not mistaken. So I did --

15:17:39 22 Q. So you saw the names of other  
15:17:41 23 companies on soap products at the landfill?

15:17:45 24 A. Correct.

15:17:48 25 Q. Did you see Hewitt Soap's name

15:17:51 1 on any products for waste brought to the  
15:17:51 2 landfill?

15:17:56 3 A. I didn't -- no, I didn't inspect  
15:17:58 4 it well enough to -- it was just by the  
15:18:01 5 driver's comment that I solely would say it  
15:18:06 6 would be Hewitt factory.

15:18:11 7 Q. Are you making the assumption that  
15:18:14 8 any soap products that you saw at the dump came  
15:18:19 9 from Hewitt Soap?

15:18:21 10 A. Yes.

15:18:23 11 Q. During what time period did you  
15:18:32 12 see soap products at the dump that you  
15:18:38 13 attributed to Hewitt Soap?

15:18:40 14 A. Just that particular time after  
15:18:42 15 the driver, but before that it -- we used the  
15:18:47 16 soap, took it home, da, da, da, da.

15:18:49 17 Then I put two and two together  
15:18:50 18 that it possibly came from the same  
15:18:53 19 manufacturer.

15:19:02 20 Q. Okay. Did you actually see any  
15:19:05 21 soap products at the dump that you know  
15:19:12 22 remained at the dump rather than being taken to  
15:19:14 23 people's houses or other -- other locations?

15:19:18 24 A. I don't understand the question.

15:19:19 25 Q. I'll -- I'll break it down for



15:19:21 1 you.

15:19:22 2 A. Okay.

15:19:22 3 Q. You testified earlier today that  
15:19:30 4 employees of the landfill -- employees of the  
15:19:33 5 dump took soap home to use it because it was  
15:19:36 6 useful, right?

15:19:37 7 A. Correct.

15:19:39 8 Q. Did any soap products stay at the  
15:19:45 9 landfill that you actually observed to stay at  
15:19:51 10 the landfill?

15:19:54 11 A. That's still not -- it's not  
15:19:56 12 making sense.

15:19:57 13 Q. Well, let me reword it. That  
15:19:58 14 wasn't a very well-worded question.

15:20:01 15 Did you actually see any soap  
15:20:03 16 products buried or burned or otherwise disposed  
15:20:07 17 of at the dump?

15:20:08 18 A. Yes.

15:20:09 19 Q. Okay. How -- how much material  
15:20:13 20 did you actually see disposed of at the dump?

15:20:16 21 A. I'm still a little confused. Are  
15:20:19 22 you talking about other companies or are you  
15:20:21 23 just talking about my understanding that may  
15:20:25 24 have came from Hewitt?

15:20:26 25 Q. Well, let me back up a moment

15:20:31 1 then. I think you earlier told me that you  
15:20:36 2 assumed that any soap at the dump came from  
15:20:40 3 Hewitt Soap, is that correct?

15:20:43 4 A. Correct.

15:20:43 5 Q. So my question is related to any  
15:20:48 6 of the soap that you saw at the landfill, and  
15:20:52 7 my question is, did you actually see any soap  
15:20:58 8 that was buried or otherwise destroyed at the  
15:21:05 9 landfill instead of being taken away to  
15:21:09 10 people's houses for use?

15:21:09 11 A. Okay. I'm -- now I understand.  
15:21:11 12 Yes, some products was -- was -- the jugs got  
15:21:16 13 broke or whatever and the soap was all over the  
15:21:18 14 other stuff, so we didn't mess with it, we had  
15:21:20 15 to clean it up.

15:21:21 16 So we just took stuff that was  
15:21:24 17 easily picked out of it and then we dumped it  
15:21:27 18 down on the third pier -- or third tier.

15:21:33 19 Q. Okay. And tell me what the third  
15:21:38 20 tier was again?

15:21:38 21 A. It was most -- it was mainly for  
15:21:44 22 burial purposes.

15:21:46 23 Q. When did you first see soap  
15:22:02 24 products at the dump?

15:22:08 25 A. The early '60s.

15:22:14 1 Q. The early '60s?

15:22:14 2 A. Correct.

15:22:15 3 Q. And when is the last time that you  
15:22:20 4 saw soap products at the dump?

15:22:25 5 A. Probably mid '70s, '74, maybe '75,  
15:22:35 6 I think.

15:22:36 7 Q. That was before you started  
15:22:46 8 working for Liberal Market?

15:22:48 9 A. Correct.

15:22:49 10 Q. So you didn't see any soap at the  
15:22:54 11 dump after you started working for Liberal  
15:22:57 12 Market?

15:22:57 13 A. Correct. Well, I have to restate  
15:23:04 14 that. If I went to help Uncle Kenny to wash my  
15:23:07 15 hands, whether he still had, you know,  
15:23:11 16 truckloads stashed away somewhere, the soap was  
15:23:13 17 still, you know, on the sink.

15:23:18 18 Q. Okay. But after you started  
15:23:21 19 working for Liberal Soap (sic), you did not see  
15:23:24 20 any soap that was brought to the dump after  
15:23:28 21 that time?

15:23:29 22 A. Correct.

15:23:30 23 Q. I wrote down the types of  
15:23:43 24 materials that you said came from Hewitt Soap  
15:23:50 25 and were brought to the dump, and I want you to

15:23:54 1 confirm that I wrote down everything you  
15:23:59 2 believe was taken to the dump from Hewitt Soap.

15:24:03 3                   The first is soap in bars. The  
15:24:07 4 second was soap in containers, and the third  
15:24:12 5 was towel dispensers.

15:24:16 6           A.     Correct.

15:24:16 7           Q.     Did you name all three of those  
15:24:20 8 types of soap from Hewitt Soap?

15:24:20 9           A.     Correct.

15:24:20 10          Q.     Okay.

15:24:23 11          A.     The dispenser --

15:24:24 12          Q.     Are there any type of -- go  
15:24:24 13 ahead.

15:24:24 14          A.     The dispenser or the towel thing,  
15:24:29 15 was just one of the items that was on the truck  
15:24:34 16 that -- when I had a discussion with the  
15:24:35 17 driver.

15:24:35 18                   I mean, there wasn't a whole  
15:24:37 19 truckload, you know, in his -- his thing, it  
15:24:42 20 was only one. So I don't know if they made  
15:24:44 21 them there or if they -- if they were just  
15:24:47 22 throwing one away from one of the restrooms or  
15:24:48 23 something, so I don't -- I don't know.

15:24:52 24          Q.     So you're only aware of towel --  
15:24:55 25 towel dispensers that you believe to be from

15:25:00 1 Hewitt Soap arriving in one load?

15:25:03 2 A. Please state that again.

15:25:05 3 Q. Yeah. You're -- other than that  
15:25:07 4 one load where you saw the towel dispensers at  
15:25:13 5 that time that you talked to the driver we've  
15:25:14 6 been discussing --

15:25:15 7 A. Correct.

15:25:16 8 Q. -- you're not aware of any other  
15:25:18 9 towel dispensers that were brought to the dump  
15:25:20 10 that you attributed to Hewitt Soap?

15:25:23 11 A. Correct, but I did -- never mind.  
15:25:27 12 Never mind. Go on.

15:25:29 13 Q. What made you believe that the  
15:25:30 14 towel dispensers came from Hewitt Soap?

15:25:34 15 A. Only by the -- he had a truckload  
15:25:38 16 of stuff and he said he brought it from Hewitt  
15:25:45 17 Soap Company.

15:25:45 18 Q. The towel dispensers didn't -- did  
15:25:47 19 not have Hewitt Soap's name on them?

15:25:49 20 A. No.

15:25:50 21 Q. So other than the three types of  
15:25:57 22 material that I just named, you're not aware of  
15:26:00 23 any other type of materials that you believed  
15:26:05 24 was taken to the dump from Hewitt Soap?

15:26:08 25 A. Correct.

15:26:09 1 Q. Were the bars of soap wrapped in  
15:26:19 2 paper?

15:26:23 3 A. Some of them, but some of them --  
15:26:26 4 that's where I -- I recollect they had -- was  
15:26:29 5 in like a fancy box and would say Avon.

15:26:37 6 That would be the only way that --  
15:26:39 7 one box they were -- they were like Lava soap  
15:26:47 8 bars. They were real coarse and had like sand  
15:26:49 9 in them, and they were individually in like  
15:26:53 10 individual compartments in like a -- a shipping  
15:26:57 11 box.

15:27:12 12 Q. What did the containers of soap  
15:27:14 13 look like?

15:27:16 14 A. They were kind of like -- the ones  
15:27:19 15 were gallon cans that had -- and sealed up with  
15:27:23 16 a cap. Some of them that were either empty or  
15:27:26 17 whatever had a pushdown applicator, and then a  
15:27:32 18 lot of them was in boxes that were -- what we  
15:27:35 19 see today in maybe a ten -- eight -- eight, ten  
15:27:42 20 ounce squeeze bottle, and they were -- they  
15:27:48 21 were -- that was more shampoo than it was -- I  
15:27:53 22 would call hand soap, but it could have been  
15:27:56 23 something else, but --

15:27:57 24 Q. Did the towel dispensers actually  
15:28:07 25 have towels in them?

15:28:08 1 A. It had a torn sheet in it, yes.

15:28:14 2 Q. What was the purpose, if you know,  
15:28:16 3 of the torn sheets in the towel dispensers?

15:28:19 4 A. No clue.

15:28:31 5 Q. I'm sorry? I didn't hear an  
15:28:33 6 answer to that question.

15:28:34 7 A. I don't have a clue.

15:28:36 8 Q. Okay. Were these towels cloth or  
15:28:42 9 paper?

15:28:46 10 A. Cloth.

15:28:46 11 Q. And -- and what happened to the  
15:28:51 12 cloth in the dispensers after it came to the  
15:28:55 13 dump?

15:28:55 14 A. Pardon me?

15:28:56 15 Q. What was done with the cloth in  
15:29:00 16 the towel dispensers after it arrived at the  
15:29:03 17 dump?

15:29:05 18 A. Well, I'm not exactly sure, but  
15:29:08 19 normal procedure was to take whatever was not  
15:29:13 20 mag -- magnified -- you know, if the magnet  
15:29:19 21 wouldn't stick to, that we would toss it into  
15:29:21 22 the pile for -- to be shipped off to Franklin  
15:29:27 23 Iron and Metal.

15:29:31 24 Q. So you believe that the towel  
15:29:33 25 dispensers were taken offsite to Franklin Iron

15:29:38 1 and Metal?

15:29:38 2 A. Correct, as well as the ones from  
15:29:52 3 Van Dyne-Crotty.

15:29:52 4 Q. What happened to the towels that  
15:29:54 5 were in the dispensers?

15:29:58 6 A. Like I said, the procedure would  
15:30:01 7 have been to cut them off because they weren't  
15:30:04 8 salvageable at the Franklin Iron and Metal.

15:30:13 9 Q. But you never personally saw that  
15:30:15 10 that occurred?

15:30:16 11 A. I possibly could have done it  
15:30:20 12 myself, but I just don't remember that part of  
15:30:22 13 it, so --

15:30:23 14 Q. Do you recall how many towel  
15:30:37 15 dispensers were on that load?

15:30:39 16 A. I had mentioned just one.

15:30:42 17 Q. Just one towel dispenser?

15:30:45 18 A. Correct.

15:30:46 19 Q. Do you recall in the first  
15:31:22 20 deposition you gave in this case that you were  
15:31:25 21 asked whether you provided a list of dump  
15:31:34 22 customers to the plaintiffs' attorneys or  
15:31:38 23 investigator, and you came up with a list  
15:31:41 24 of the companies that you remembered on your  
15:31:44 25 own?



15:31:44 1 A. Correct.

15:31:45 2 Q. But Hewitt Soap was not one of the  
15:31:50 3 companies that you remembered on your own, is  
15:31:50 4 that right?

15:31:53 5 A. Yeah. At that particular time,  
15:31:55 6 you know, I didn't focus, because I didn't know  
15:31:59 7 exactly what to expect, so I was told, and I  
15:32:07 8 thought to myself, well, just think about it,  
15:32:09 9 you know.

15:32:10 10 So after the few years, Mr. --  
15:32:18 11 Bill, I can't remember his last -- Wilts,  
15:32:18 12 Waltz.

15:32:23 13 I'd tell him -- I'd call him and  
15:32:27 14 say, Bill, I remembered a company, and that  
15:32:29 15 went over probably a course of a few months,  
15:32:31 16 and that was brought up.

15:32:37 17 Q. Okay. How long did it take you to  
15:32:38 18 remember what you remember about Hewitt Soap?

15:32:44 19 A. I don't remember exactly what  
15:32:46 20 month or -- but I'd lay in bed and try to go  
15:32:50 21 back to the -- the years and -- and try to  
15:32:52 22 remember what I saw.

15:32:59 23 Q. And it's also true that you did  
15:33:02 24 not remember Van Dyne-Crotty when you gave your  
15:33:06 25 initial list to the investigator?

15:33:09 1 A. I don't remember, but I think I  
15:33:15 2 did not.

15:33:15 3 Q. Let's talk about --

15:33:16 4 A. I -- I believe I did not.

15:33:18 5 Q. Okay. Go ahead. I'm sorry.

15:33:19 6 A. I said I believe I did not  
15:33:22 7 remember Van Dyne-Crotty either at that time.  
15:33:24 8 It was the main companies that popped in my  
15:33:29 9 head first.

15:33:30 10 Q. Were either Van Dyne-Crotty or  
15:33:43 11 Hewitt Soap among the names of the companies  
15:33:45 12 that were read to you by the plaintiffs'  
15:33:53 13 attorneys or their investigator?

15:33:55 14 MR. ROMINE: Objection.  
15:33:57 15 Mischaracterizes his testimony.

15:33:57 16 THE WITNESS: No.

15:33:57 17 BY MR. VAN KLEY:

15:34:04 18 Q. Okay. Let's talk about Van  
15:34:07 19 Dyne-Crotty's materials that you believe came  
15:34:10 20 to the dump.

15:34:14 21 A. So are we on another subject or  
15:34:16 22 are we still with the -- Hewitt?

15:34:20 23 Q. We're now -- we're going to talk  
15:34:22 24 about Van Dyne-Crotty.

15:34:22 25 A. Okay.

15:34:23 1 Q. What made you believe that any  
15:34:28 2 materials from Van Dyne-Crotty were taken to  
15:34:30 3 the dump?

15:34:36 4 A. Uniforms, I think, had some  
15:34:40 5 lettering on it. Some of the boxes.

15:34:49 6 You know, if I'm not mistaken,  
15:34:51 7 I think they had a -- lettering on the side  
15:34:54 8 of the truck, but I'm not a hundred percent  
15:34:58 9 sure.

15:34:58 10 Q. Have you ever seen a Van  
15:35:05 11 Dyne-Crotty truck at places other than the  
15:35:07 12 dump?

15:35:08 13 A. That's where I made a statement a  
15:35:11 14 few minutes ago, I believe his name was James,  
15:35:14 15 with D -- or Ohio Bell that I tried to be  
15:35:20 16 careful not to think what I saw driving around  
15:35:21 17 for my life and -- and what I saw at the dump,  
15:35:24 18 and so I would have to truthfully say that I'm  
15:35:28 19 not sure.

15:35:42 20 Q. What kind of lettering do you  
15:35:45 21 believe that you have seen on Van Dyne-Crotty's  
15:35:49 22 trucks, either at the dump or outside of the  
15:35:52 23 dump?

15:35:54 24 A. Other than I thought they were  
15:35:55 25 pretty -- pretty cool. I mean, it wasn't just

15:36:01 1 like regular lettering, you know, it wasn't --  
15:36:02 2 and it wasn't calligraphy. I think it was  
15:36:05 3 colorful and -- and so forth.

15:36:07 4 Q. Okay. What -- what letters were  
15:36:11 5 on the trucks?

15:36:13 6 A. Just Van Dyne-Crotty, I believe.

15:36:15 7 Q. And so you recalled that the name  
15:36:21 8 of the company was fully spelled out on the  
15:36:25 9 trucks?

15:36:27 10 A. Run that by me one more time.

15:36:28 11 Q. Is it your recollection that the  
15:36:32 12 full name of the company, Van Dyne-Crotty, was  
15:36:35 13 spelled out on the trucks?

15:36:36 14 A. Yes.

15:36:37 15 Q. Is there anything else that  
15:36:52 16 you're -- that you recall that lead you to  
15:36:54 17 believe that any Van Dyne-Crotty materials were  
15:36:57 18 brought to the dump?

15:36:58 19 A. No.

15:37:03 20 Q. How often do you believe that Van  
15:37:18 21 Dyne-Crotty materials were brought to the dump?

15:37:20 22 A. How often?

15:37:22 23 Q. Yes.

15:37:23 24 A. Once a month possibly.

15:37:31 25 It wasn't very, you know, regular

15:37:35 1 or anything like that.

15:37:43 2 Q. And -- and what do you base that  
15:37:45 3 on? What do you base that frequency on?

15:37:49 4 A. Well, mostly because when a truck  
15:37:54 5 like that came in, it was questionable where to  
15:37:58 6 take it, because the cloth would have to go  
15:38:00 7 down on the bury pile -- buried pile, and then,  
15:38:06 8 you know, paper products would have to --  
15:38:08 9 cardboard would have to go on top.

15:38:10 10 So I would have to ride with the  
15:38:12 11 driver to make sure it got to its proper place.  
15:38:15 12 And then if they brought like a -- a box of  
15:38:21 13 working gloves -- you know, I remembered that  
15:38:24 14 because it protected me from banging my hand  
15:38:27 15 when I had to beat barrels and get the lids  
15:38:29 16 off, so, you know, you kind of remember those  
15:38:32 17 things.

15:38:32 18 And then paper, we'd use in the  
15:38:34 19 bathroom to wipe our hands off of, and so you  
15:38:38 20 kind of looked out if we were running low, we  
15:38:41 21 was hoping a truck would come in and there'd be  
15:38:43 22 some on it, so --

15:38:54 23 Q. So you would call that trucks  
15:39:00 24 transporting that kind of material to the  
15:39:02 25 landfill, visited the landfill about once a

15:39:08 1 month?

15:39:08 2 A. Yes, correct.

15:39:10 3 Q. But you don't recall for sure that  
15:39:14 4 those trucks were Van Dyne-Crotty trucks, as  
15:39:18 5 you've already stated?

15:39:19 6 A. Well, when -- sometimes when  
15:39:22 7 you're down at the bottom of the pit, you can't  
15:39:24 8 see up at the office, and if they came in and  
15:39:27 9 they had just what would fit -- would be  
15:39:29 10 useable, say, in the office, Uncle Kenny would  
15:39:33 11 take it out and put it on the ground. He  
15:39:35 12 didn't want to carry it in.

15:39:36 13 So when I got back up there, I  
15:39:40 14 carried it, and I'd say, oh, the truck came  
15:39:41 15 back with the towels and stuff, I'd say, they  
15:39:44 16 got any more gloves? You know, and he would  
15:39:46 17 say no, or, yeah, they did or whatever, so --  
15:39:49 18 but on a regular basis what I -- what I saw was  
15:39:53 19 not very frequent.

15:39:57 20 Q. Okay. So on how many occasions  
15:39:59 21 did you actually see trucks bring this material  
15:40:03 22 in that you believed may have come from Van  
15:40:09 23 Dyne-Crotty?

15:40:09 24 A. Three times.

15:40:23 25 Q. So when you say that these -- that

15:40:27 1 Van Dyne-Crotty materials were believed to be  
15:40:32 2 taken to the dump approximately once per month,  
15:40:36 3 you're basing that simply on the type of  
15:40:39 4 materials you were seeing at the landfill?

15:40:41 5 A. Correct.

15:40:42 6 Q. Or at the dump?

15:40:43 7 A. Correct.

15:40:51 8 Q. Do you know what facility of Van  
15:40:58 9 Dyne-Crotty was believed to have produced the  
15:41:01 10 materials brought to the dump?

15:41:03 11 A. Pardon me?

15:41:04 12 Q. Do you know where the materials  
15:41:07 13 from Van Dyne-Crotty came from?

15:41:20 14 A. No.

15:41:20 15 Q. When was the first time that you  
15:41:23 16 saw one of the trucks that you believed was a  
15:41:27 17 Van Dyne-Crotty truck at the dump?

15:41:31 18 A. In the '60s somewhere. I think  
15:41:33 19 '60 -- the later -- middle or later part of the  
15:41:40 20 '60s. But I do remember, like I said before,  
15:41:42 21 we had always had the soap around, either at  
15:41:44 22 the house or at the dump that had the same  
15:41:48 23 containers, and whatever it said on it was the  
15:41:51 24 same.

15:41:54 25 Q. Okay. Did you just say that you

15:41:59 1 always had the same soap around?

15:42:03 2 A. Pardon me?

15:42:04 3 Q. I thought that you -- in your last  
15:42:08 4 answer you mentioned soap.

15:42:08 5 A. No, I was -- I was referring -- I  
15:42:10 6 was referring to the Hewitt part of it, that we  
15:42:14 7 always had that soap around and we used the  
15:42:19 8 towels, so the towels and the soap are two  
15:42:22 9 different subjects, but, you know, I know  
15:42:25 10 exactly where they came from, because we used  
15:42:28 11 them, and if we ran low on the towels, then,  
15:42:31 12 you know, that was in my mind, I hope they come  
15:42:36 13 back, so --

15:42:41 14 Q. When was the last time that you  
15:42:43 15 actually saw a truck that -- that you believed  
15:42:49 16 brought -- brought in Van Dyne-Crotty waste to  
15:42:53 17 arrive at the dump?

15:42:55 18 A. It would have to be in the -- in  
15:42:57 19 the '60s, also, because I only saw them three  
15:43:02 20 times. I don't remember if it was all that  
15:43:06 21 summer, one summer, or if it was over a couple  
15:43:08 22 of years or what, so -- I mentioned before the  
15:43:15 23 '60s were so -- so industrialized, or, you  
15:43:21 24 know, the things come in and I wouldn't see  
15:43:24 25 exactly -- if I was down bulldozing or



15:43:28 1 whatever, you know, I was paying attention more  
15:43:31 2 to what -- what I was pushing than what I  
15:43:32 3 was -- could see, you know, so either it had to  
15:43:34 4 be secondhand or that I actually saw the  
15:43:38 5 vehicles.

15:43:45 6 Q. What kind of vehicle brought in  
15:43:48 7 the materials that you believed had come from  
15:43:48 8 Van Dyne-Crotty?

15:43:54 9 A. They were like step vans, like  
15:43:56 10 bread trucks, you know, had the sliding doors  
15:43:59 11 or UPS trucks today.

15:44:12 12 Q. And are you basing that on your  
15:44:15 13 recollection of what the trucks at the dump  
15:44:18 14 looked like or your recollection of what Van  
15:44:22 15 Dyne-Crotty trucks that you saw in the  
15:44:24 16 community looked like?

15:44:25 17 A. Well, the times in the '60s, I  
15:44:29 18 just remember them being regular vans with no  
15:44:34 19 lettering on it, but the -- through the course  
15:44:39 20 of the latter years then, the lettering or --  
15:44:42 21 or, you know, like I said, I thought it was  
15:44:45 22 pretty cool because so it more stands out, but  
15:44:47 23 the lettering could have been the same the  
15:44:49 24 three times I saw it, it just didn't jump at  
15:44:52 25 me.

15:44:52 1 Q. Okay. Now, I believe you stated  
15:44:55 2 that the three trucks that you saw bringing in  
15:45:02 3 the type of waste you attributed to Van  
15:45:06 4 Dyne-Crotty were seen at the dump during the  
15:45:08 5 1960s, is that correct?

15:45:09 6 A. The '60s, yeah. Yes.

15:45:12 7 Q. The '60s? Okay. And that was  
15:45:14 8 during the time period when Van Dyne-Crotty's  
15:45:17 9 vehicles were not marked with its name?

15:45:21 10 A. I don't -- you know, whether it  
15:45:24 11 was and it didn't jump out at me, that's why I  
15:45:27 12 say, like a DP&L truck, if you're in the pile  
15:45:31 13 sorting things out and all of a sudden you see  
15:45:33 14 a truck and you look up and it has a picture of  
15:45:36 15 a light bulb man ready to run over you, you  
15:45:39 16 remember it, but it -- it wasn't nothing that  
15:45:41 17 sticks out in my memory that would give me, you  
15:45:45 18 know, that indication.

15:45:47 19 Q. Okay. So as you sit here today,  
15:45:49 20 you're not sure that the trucks at the dump  
15:45:58 21 that you believed delivering Van Dyne-Crotty  
15:46:04 22 waste were actually marked with Van Dyne-Crotty  
15:46:04 23 lettering?

15:46:07 24 A. Other than the -- the uniforms,  
15:46:09 25 I -- I do believe the uniforms had marking, and

15:46:18 1 this -- and this --

15:46:18 2 Q. Okay. But you don't remember that  
15:46:19 3 the trucks that you saw had the markings?

15:46:21 4 A. No.

15:46:22 5 Q. Okay. Let's talk about the  
15:46:25 6 uniforms then. When would you see uniforms  
15:46:30 7 that you believe may have had the Van  
15:46:32 8 Dyne-Crotty markings on them?

15:46:35 9 A. The latter part of the '60s.

15:46:43 10 Oh --

15:46:43 11 Q. How many --

15:46:44 12 A. I'm sorry. And --

15:46:44 13 Q. Go ahead.

15:46:47 14 A. -- and a lot of coat hangers came.  
15:46:50 15 I remember a lot of coat -- coat hangers would  
15:46:52 16 come all bound up, and, you know, I haven't  
15:47:03 17 really had time to think about some of the  
15:47:07 18 smaller companies that dumped there, so I --  
15:47:08 19 you know, I'm trying to think as quick as I can  
15:47:10 20 and -- but I'm getting a headache, so I  
15:47:12 21 apologize, but --

15:47:16 22 Q. Okay. Let's talk about the -- the  
15:47:17 23 uniforms first and then we'll talk about the  
15:47:20 24 coat hangers.

15:47:21 25 How many uniforms did you see that

15:47:24 1 you recall having the Van Dyne-Crotty lettering  
15:47:29 2 on them?

15:47:30 3 A. How many?

15:47:31 4 Q. Yeah.

15:47:36 5 A. Possibly a couple boxes the size  
15:47:40 6 of what a potato chip bag -- or potato chip  
15:47:48 7 boxes or a regular cardboard container.

15:47:54 8 Sometimes they were on the hangers and, you  
15:47:56 9 know, and they were just thrown in there,  
15:47:58 10 but --

15:47:58 11 Q. So you saw a couple of boxes of  
15:48:05 12 uniforms with the Van Dyne-Crotty name on them?

15:48:07 13 A. Right.

15:48:08 14 Q. And -- and how large were those  
15:48:12 15 boxes? Can you give me some dimensions?

15:48:15 16 A. Twenty-four by 24, maybe 18 inches  
15:48:19 17 high.

15:48:23 18 Q. So 24 inches by 24 inches by  
15:48:27 19 18 inches?

15:48:27 20 A. Correct.

15:48:27 21 Q. And you mentioned coat hangers.  
15:48:41 22 Did the coat hangers have any Van Dyne-Crotty  
15:48:45 23 lettering on them?

15:48:46 24 A. No.

15:48:49 25 Q. Do you believe that those coat

15:48:51 1 hangers came from Van Dyne-Crotty?

15:48:52 2 A. Yes.

15:48:54 3 Q. What makes you believe that?

15:48:57 4 A. Because sometimes I would help.

15:49:01 5 If I really didn't have much to do and I wanted

15:49:03 6 to smoke a cigarette, I'd just sit there and

15:49:05 7 throw stuff off with them and -- and put it in

15:49:07 8 the proper piles, and so I remember doing it on

15:49:10 9 one occasion, because Mom told me bring some

15:49:15 10 home sometimes if she would run short or

15:49:18 11 whatever and --

15:49:22 12 Q. So what made you believe that

15:49:24 13 those coat hangers came from Van Dyne-Crotty?

15:49:26 14 MR. ROMINE: Asked and answered.

15:49:27 15 THE WITNESS: Because they came off

15:49:28 16 the truck.

15:49:30 17 BY MR. VAN KLEY:

15:49:30 18 Q. They came off of one of those

15:49:32 19 three trucks that you were mentioning?

15:49:34 20 A. Correct, but then, again --

15:49:40 21 Q. What were the coats hangers made

15:49:40 22 of?

15:49:42 23 A. But then, again, you know, when --

15:49:44 24 sometimes when I'd get up to the office and

15:49:46 25 some of the stuff would be sitting on the top

15:49:48 1 of other items that had been there for months  
15:49:51 2 and I had to take them in, I might, you know,  
15:49:54 3 saw them, but -- and your second question was,  
15:49:58 4 they were just regular metal twist type coat  
15:50:02 5 hangers, not wooden or anything like that.  
15:50:06 6 They were -- not plastic. I don't think  
15:50:07 7 plastic was available then, but -- but they  
15:50:12 8 were all metal.

15:50:14 9 Q. Did you actually see the coat  
15:50:16 10 hangers on the truck or did you see them after  
15:50:19 11 they had been taken off of the truck?

15:50:22 12 A. I threw them off of the truck --  
15:50:24 13 or actually those I set off the truck. I put  
15:50:29 14 the boxes --

15:50:30 15 Q. How many --

15:50:31 16 A. I'd take the boxes of uniforms,  
15:50:34 17 because I didn't know if I -- they'd fit any of  
15:50:37 18 us or anything like that, and take -- take them  
15:50:38 19 home and clean them up, but --

15:50:40 20 Q. What happened to the uniforms?

15:50:47 21 A. If we felt they were -- the two  
15:50:51 22 boxes wasn't any use, we took them down to the  
15:50:56 23 bury pile, the third tier.

15:51:00 24 Q. And what happened to them after  
15:51:02 25 that?

15:51:03 1 A. We'd bury them.

15:51:07 2 Q. But you -- you didn't personally  
15:51:09 3 see that they were buried?

15:51:14 4 A. No.

15:51:17 5 Q. And you didn't personally see that  
15:51:19 6 they were brought to the bury pile?

15:51:23 7 A. Yes.

15:51:25 8 Q. You did see that?

15:51:26 9 A. Yeah, because I remember -- you  
15:51:30 10 know, stuff could sit in the pile, the  
15:51:34 11 burnable, for months maybe a few -- it  
15:51:38 12 depended how quickly it developed, how big the  
15:51:40 13 pile was.

15:51:41 14 And it was the same down on the  
15:51:43 15 third tier, if -- if grass trimmings and stuff  
15:51:46 16 like that was building up, then Uncle Alcine --  
15:51:51 17 I wasn't really allowed to take it that far on  
15:51:54 18 the dump.

15:51:54 19 My job was to use it over where  
15:51:56 20 the fly ash and where the pit was, because he  
15:51:59 21 was afraid it was too dangerous, I could go  
15:52:02 22 over the -- the embankment.

15:52:05 23 So he -- he would go -- he might  
15:52:08 24 wait months, and then one day I'd come there  
15:52:11 25 and everything would be pushed off to the edge.

15:52:14 1 Q. You also mentioned some janitorial  
15:52:18 2 products that you believed came from Van  
15:52:20 3 Dyne-Crotty?

15:52:20 4 A. I thinks mops, yellow buckets or  
15:52:25 5 maybe metal buckets. I think they were metal  
15:52:30 6 buckets, but those, I don't remember. I didn't  
15:52:34 7 actually take them off the truck.

15:52:36 8 Q. Okay. So you don't know that  
15:52:39 9 those materials came from Van Dyne-Crotty?

15:52:40 10 A. Correct.

15:52:47 11 Q. And you mentioned something that I  
15:52:47 12 wrote down as paper things that you believed  
15:52:50 13 came from Van Dyne-Crotty. What were those?

15:52:56 14 A. Like bags of shredded paper,  
15:53:00 15 something you'd see out of a bathroom trash  
15:53:07 16 can, you know, toilet paper. Oh, wait, toilet  
15:53:12 17 paper.

15:53:15 18 I think we got toilet paper from  
15:53:18 19 there, too. I really -- I think we did get  
15:53:25 20 toilet paper from them, too, so --

15:53:28 21 Q. So how do you know those materials  
15:53:31 22 came from Van Dyne-Crotty?

15:53:35 23 A. Because when you got to go, like  
15:53:38 24 the paper towels, you know, they were very  
15:53:40 25 valuable there.



15:53:43 1 Q. Okay. So how do you know that Van  
15:53:46 2 Dyne-Crotty was the origin of those papers?

15:53:48 3 A. Because no one else, that I  
15:53:52 4 remember, would bring such a thing.

15:53:56 5 Q. You didn't -- you didn't see any  
15:53:58 6 of those paper things on the trucks that you  
15:54:01 7 believed came from Van Dyne-Crotty?

15:54:02 8 A. No, it wasn't on the -- at least  
15:54:05 9 the one load that I just mentioned I took the  
15:54:09 10 uniforms and the coat hangers and the gloves.

15:54:17 11 Q. So you just made the assumption,  
15:54:19 12 that based on the nature of the paper, that it  
15:54:22 13 must have come from Van Dyne-Crotty?

15:54:23 14 A. Correct.

15:54:25 15 Q. You also mentioned that there were  
15:54:29 16 some -- some dispensers, some towel dispensers  
15:54:33 17 or other metal dispensers that you believed  
15:54:35 18 came from Van Dyne-Crotty?

15:54:36 19 A. Yeah, the ones that -- that roll  
15:54:40 20 around -- the cloth rolls around it. Some of  
15:54:41 21 them might have mirrors on it and then the  
15:54:44 22 paper ones that you took the key and lifted  
15:54:46 23 them up and put the towels that we used that  
15:54:50 24 were maybe six inches by ten inches and stuff  
15:54:55 25 them in there, those -- those were on -- on a

15:54:59 1 truck.

15:55:01 2 Q. Okay. And -- and those dispensers  
15:55:04 3 were both the cloth and the paper towels that  
15:55:08 4 were recycled to Franklin Iron and Metal?

15:55:09 5 A. Correct. If I'm not mistaken,  
15:55:13 6 there were metal toilet paper holders, too.  
15:55:24 7 Something you would --

15:55:24 8 Q. Did you actually -- go ahead.

15:55:26 9 A. Something you would actually have  
15:55:29 10 in a bathroom at a grocery store, you know, a  
15:55:32 11 bathroom, or, you know, office or something  
15:55:34 12 like that, but --

15:55:39 13 Q. Okay. Did you actually see any  
15:55:42 14 dispensers on the trucks that you believed came  
15:55:45 15 from Van Dyne-Crotty?

15:55:46 16 A. No.

15:55:50 17 Q. Other than what I have mentioned  
15:55:54 18 during my questions, are there any other types  
15:55:56 19 of materials that came from Van Dyne -- that  
15:56:01 20 you believe came from Van Dyne-Crotty and were  
15:56:03 21 taken to the dump?

15:56:05 22 A. Not at this time.

15:56:10 23 MR. VAN KLEY: All right. I have no  
15:56:10 24 more questions at this time.

15:56:14 25 MR. ROMINE: I'm going to -- I'm

15:56:15 1 going to do about five minutes of -- of redirect,  
15:56:18 2 not on Ohio Bell, not on Van Dyne-Crotty, but on  
15:56:23 3 Hewitt Soap.

15:56:23 4 REDIRECT EXAMINATION

15:56:23 5 BY MR. ROMINE:

15:56:24 6 Q. And, Mr. Grillot, my question is,  
15:56:26 7 I think you had mentioned that you remember the  
15:56:30 8 smell of the Hewitt Soap that came to the dump?

15:56:35 9 A. Yeah.

15:56:35 10 Q. Did you smell that smell at any  
15:56:38 11 time when you weren't at the dump?

15:56:39 12 A. Yeah.

15:56:40 13 Q. When was that?

15:56:42 14 A. When I went over to get the  
15:56:44 15 kitchen cabinets at the Davis Building.

15:56:46 16 Q. Near the -- near the Hewitt Soap  
15:56:48 17 plant?

15:56:49 18 A. Correct. I mean, it filled that  
15:56:52 19 whole east end Dayton, and he said, well, you  
15:56:56 20 ought to be here when it stinks. I guess  
15:56:58 21 there's various steps that they use to make  
15:57:00 22 soap and --

15:57:02 23 Q. Okay. And then you mentioned that  
15:57:07 24 after you had worked for Liberal Markets, you  
15:57:10 25 came back to the dump on occasion and you would

15:57:13 1 wash your hands like in the -- in Uncle Kenny's  
15:57:17 2 office?

15:57:17 3 A. Right.

15:57:18 4 Q. And that same soap was there at  
15:57:20 5 that time?

15:57:20 6 A. Correct.

15:57:21 7 Q. And you had also mentioned like  
15:57:24 8 one -- I think cloth towel dispensers that came  
15:57:27 9 on a truck with the driver that said he came --  
15:57:31 10 had came from Hewitt Soap?

15:57:31 11 A. Correct.

15:57:34 12 Q. And where was that -- where was  
15:57:34 13 the cloth disposed of, not the dispenser, the  
15:57:38 14 cloth?

15:57:38 15 A. Like I said, I don't remember, but  
15:57:43 16 what we did normally was cut anything that  
15:57:47 17 wasn't magnetized to it, it would go down to  
15:57:51 18 the third tier.

15:57:51 19 Q. Okay.

15:57:52 20 MR. ROMINE: All right. Mr. Van  
15:57:55 21 Kley, do you have any recross?

15:57:58 22 MR. VAN KLEY: Yeah, just briefly.

15:57:58 23 RECROSS-EXAMINATION

15:57:58 24 BY MR. VAN KLEY:

15:58:00 25 Q. What did the soap smell like?

15:58:05 1 A. Real perfume -- perfumey (sic),  
15:58:07 2 not like -- other than the bars that had the  
15:58:12 3 real gritty stuff on it, but they were real  
15:58:15 4 scented, I guess that would be the word.

15:58:19 5 Q. So it was a scented soap?

15:58:23 6 A. Pardon me?

15:58:23 7 Q. So the -- the soap that you were  
15:58:26 8 smelling was a scented soap?

15:58:28 9 A. It came from the bars, no, the --  
15:58:31 10 the regular shampoo, and the other that was in  
15:58:35 11 the dispenser, I would think that they were  
15:58:38 12 hand soap, didn't smell near what the hand --  
15:58:41 13 the bars that were in the fancy boxes.

15:58:48 14 Q. So -- so the smell that you  
15:58:52 15 noticed at the Hewitt Soap plant smelled like  
15:58:58 16 the bar soap you were using at the dump?

15:59:01 17 A. Yes. Now, run that by me again.

15:59:04 18 Q. Yeah. Did the smell that you  
15:59:11 19 noticed at the Hewitt Soap plant smell the same  
15:59:14 20 as the bar soap you were using at the dump?

15:59:18 21 A. No.

15:59:20 22 Q. It did not?

15:59:22 23 A. No.

15:59:23 24 Q. When you said that you noticed the  
15:59:26 25 smell at the dump and then you noticed the same

15:59:30 1 smell at the Hewitt Soap plant -- is that what  
15:59:34 2 you were saying?

15:59:35 3 A. Yeah, the smell inside the -- the  
15:59:39 4 van when the guy brought the stuff was more  
15:59:45 5 intense, and then the boxes that -- the  
15:59:49 6 decorative ones would have the scent, but  
15:59:50 7 unless you put it in, you know, a closed area,  
15:59:54 8 but it was more the van that I smelled and I  
15:59:58 9 related to it from being over on -- on -- by  
16:00:03 10 the plant.

16:00:08 11 Q. And -- and what did that smell  
16:00:10 12 like?

16:00:11 13 MR. ROMINE: Asked and answered.

16:00:13 14 THE WITNESS: Like I said --

16:00:13 15 BY MR. VAN KLEY:

16:00:14 16 Q. I mean, this is the smell that you  
16:00:15 17 said smelled like a -- like a perfume?

16:00:17 18 A. Correct, it was very scented.

16:00:20 19 Q. Okay. And is this the same kind  
16:00:25 20 of smell that you would smell from a scented  
16:00:32 21 soap made by anybody else besides Hewitt Soap?

16:00:37 22 A. I don't -- I don't understand that  
16:00:38 23 question.

16:00:39 24 Q. Okay. Well, do you believe that  
16:00:43 25 Hewitt Soap was the only company that made

16:00:47 1 scented soaps?

16:00:49 2 A. I don't think so. I'm -- I'm  
16:00:53 3 sure other companies did, but we're not  
16:00:56 4 talking --

16:00:57 5 Q. Do you have any --

16:00:57 6 A. If you're talking in the general,  
16:00:58 7 I would say it would definitely smell like a  
16:01:01 8 girlie soap, you know, so --

16:01:03 9 Q. Um-hum. Okay. Do you have any  
16:01:06 10 reason to believe that -- that the scented soap  
16:01:12 11 made by Hewitt Soap smelled any different than  
16:01:15 12 the scented soap made by other manufacturers?

16:01:21 13 A. I wasn't that much into like Avon  
16:01:28 14 and -- and some other companies, but the smell  
16:01:31 15 was a lot more scented than anything, you know,  
16:01:35 16 that I've smelled previously, so if that  
16:01:41 17 answers your question --

16:01:43 18 Q. Um-hum. But I take it that you  
16:01:45 19 are not a -- a frequent user of scented -- the  
16:01:49 20 scented soap, given that you described it as a  
16:01:53 21 girlie smell?

16:01:55 22 A. I was a dude, I didn't want to  
16:01:57 23 smell like a girl.

16:02:00 24 Q. So you weren't really -- you  
16:02:03 25 weren't really familiar with what the various

16:02:13 1 soap manufacturers' scented soap products  
16:02:13 2 smelled like?

16:02:14 3 A. No.

16:02:16 4 Q. You couldn't tell the scented soap  
16:02:18 5 from one company from another company?

16:02:20 6 A. Correct.

16:02:21 7 Q. All right.

16:02:21 8 A. Other than the --

16:02:23 9 Q. I understand.

16:02:24 10 A. -- other than the -- the van and  
16:02:31 11 the -- the air around the company smelled  
16:02:31 12 pretty much similar, you know. I couldn't --  
16:02:34 13 I'm not really good at smelling perfume either.  
16:02:37 14 You know, I couldn't tell -- my girlfriend at  
16:02:39 15 the -- or my wife at the time used Tabu, and I  
16:02:41 16 couldn't tell it from a fragrance -- you know,  
16:02:43 17 I'm not a specialist on fragrance, so --

16:02:46 18 Q. And I believe that you said that  
16:02:50 19 you noticed that smell in one of the vans that  
16:02:57 20 brought materials to the dump or more or --

16:02:59 21 A. Correct, the one van that I helped  
16:03:03 22 unload and the gentleman said where it came  
16:03:05 23 from.

16:03:06 24 Q. Okay. And other than that, you  
16:03:08 25 didn't notice that smell anywhere else in the



16:03:11 1 dump at any other time?

16:03:12 2 A. And around the company or the  
16:03:16 3 building.

16:03:17 4 Q. Okay. So other than the --  
16:03:21 5 noticing the smell at Hewitt Soap's plant and  
16:03:26 6 noticing the smell in the one van, you did not  
16:03:30 7 notice that smell anywhere else at the dump?

16:03:33 8 A. Like I mentioned a few minutes  
16:03:35 9 ago, if the -- the boxes that had the  
16:03:38 10 decorative soap in it and it was kept somewhere  
16:03:41 11 enclosed, I would smell it, okay.

16:03:47 12 MR. VAN KLEY: Okay. I have no  
16:03:48 13 further questions about Hewitt Soap.

16:03:49 14 THE WITNESS: Thank you.

16:03:51 15 MR. ROMINE: See you all tomorrow.

16:03:54 16 (Thereupon, the deposition was  
16:03:54 17 adjourned at 4:03 p.m.)

18

19

20

21

22

23

24

25

1 STATE OF OHIO)

2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3 I, Barbara A. Nikolai, a Notary  
4 Public within and for the State of Ohio, duly  
5 commissioned and qualified,

6 DO HEREBY CERTIFY that the  
7 above-named EDWARD GRILLOT, was by me first duly  
8 sworn to testify the truth, the whole truth and  
9 nothing but the truth.

10 Said testimony was reduced to  
11 writing by me stenographically in the presence  
12 of the witness and thereafter reduced to  
13 typewriting.

14 I FURTHER CERTIFY that I am not a  
15 relative or Attorney of either party, in any  
16 manner interested in the event of this action,  
17 nor am I, or the court reporting firm with which  
18 I am affiliated, under a contract as defined in  
19 Civil Rule 28(D).

20

21

22

23

24

25

BARBARA A. NIKOLAI  
NOTARY PUBLIC, STATE OF OHIO  
My commission expires 12-13-2018